

TO AMEND THE ALASKA NATIVE CLAIMS SETTLEMENT ACT TO MAKE  
CERTAIN CLARIFICATIONS TO THE LAND BANK PROTECTION PROVI-  
SIONS, AND FOR OTHER PURPOSES

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AUGUST 5, 1998.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 2000]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2000) to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. AUTOMATIC LAND BANK PROTECTION.**

(a) LANDS RECEIVED IN EXCHANGE FROM CERTAIN FEDERAL AGENCIES.—The matter preceding clause (i) of section 907(d)(1)(A) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1636(d)(1)(A)) is amended by inserting “or conveyed to a Native Corporation pursuant to an exchange authorized by section 22(f) of Alaska Native Claims Settlement Act or section 1302(h) of this Act or other applicable law” after “Settlement Trust”.

(b) LANDS EXCHANGED AMONG NATIVE CORPORATIONS.—Section 907(d)(2)(B) of such Act (43 U.S.C. 1636(d)(2)(B)) is amended—

(1) by striking “and” at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting “; and”; and

(3) by adding at the end the following:

“(iv) lands or interest in lands shall not be considered developed or leased or sold to a third party as a result of an exchange or conveyance of such land or interest in land between or among Native Corporations and trusts, partnerships, corporations, or joint ventures, whose beneficiaries, partners, shareholders, or joint venturers are Native Corporations.”.

(c) ACTIONS BY TRUSTEE SERVING PURSUANT TO AGREEMENT OF NATIVE CORPORATIONS.—Section 907(d)(3)(B) of such Act (43 U.S.C. 1636(d)(3)(B)) is amended—

(1) by striking “or” at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting “; or”; and

(3) by adding at the end the following:

“(iii) to actions by any trustee whose right, title, or interest in land or interests in land arises pursuant to an agreement between or among Native Corporations and trusts, partnerships, or joint ventures whose beneficiaries, partners, shareholders, or joint venturers are Native Corporations.”.

#### SEC. 2. RETAINED MINERAL ESTATE.

Section 12(c)(4) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(c)(4)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (E) and (F), respectively, and by inserting after subparagraph (B) the following new subparagraphs:

“(C) Where such public lands are surrounded by or contiguous to subsurface lands obtained by a Regional Corporation under subsections (a) or (b), the Corporation may, upon request, have such public land conveyed to it.

“(D)(i) A Regional Corporation which elects to obtain public lands under subparagraph (C) shall be limited to a total of not more than 12,000 acres. Selection by a Regional Corporation of in lieu surface acres under subparagraph (E) pursuant to an election under subparagraph (C) shall not be made from any lands within a conservation system unit (as that term is defined by section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4)).

“(ii) An election to obtain the public lands described in subparagraph (A), (B), or (C) shall include all available parcels within the township in which the public lands are located.

“(iii) For purposes of this subparagraph and subparagraph (C), the term ‘Regional Corporation’ shall refer only to Doyon, Limited.”; and

(2) in subparagraph (E) (as so redesignated), by striking “(A) or (B)” and inserting “(A), (B), or (C)”.

#### SEC. 3. CLARIFICATION ON TREATMENT OF BONDS FROM A NATIVE CORPORATION.

Section 29(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c)) is amended—

(1) in paragraph (3)(A), by inserting “and on bonds received from a Native Corporation” after “from a Native Corporation”; and

(2) in paragraph (3)(B), by inserting “or bonds issued by a Native Corporation which bonds shall be subject to the protection of section 7(h) until voluntarily and expressly sold or pledged by the shareholder subsequent to the date of distribution” before the semicolon.

#### SEC. 4. AMENDMENT TO PUBLIC LAW 102-415.

Section 20 of the Alaska Land Status Technical Corrections Act of 1992 (106 Stat. 2129), is amended by adding at the end the following new subsection:

“(h) Establishment of the account under subsection (b) and conveyance of land under subsection (c), if any, shall be treated as though 3,520 acres of land had been conveyed to Gold Creek under section 14(h)(2) of the Alaska Native Claims Settlement Act for which rights to subsurface estate are hereby provided to CIRI. Within one year from the date of enactment of this subsection, CIRI shall select 3,520 acres of land from the area designated for selection by paragraph I.B.(2)(b) of the document identified in section 12(b) (referring to the Talkeetna Mountains) of the Act of January 2, 1976 (43 U.S.C. 1611 note). Not more than five selections shall be made under this subsection, each of which shall be reasonably compact and in whole sections, except when separated by unavailable lands or when the remaining entitlement is less than a whole section.”.

#### SEC. 5. CALISTA CORPORATION LAND EXCHANGE.

(a) CONGRESSIONAL FINDINGS.—Congress finds and declares that—

(1) the land exchange authorized by section 8126 of Public Law 102-172 should be implemented without further delay;

(2) the Calista Corporation, the Native Regional Corporation organized under the authority of the Alaska Native Claims Settlement Act (ANCSA) for the Yupik Eskimos of Southwestern Alaska, which includes the entire Yukon Delta National Wildlife Refuge—

(A) has responsibilities provided for by the Settlement Act to help address social, cultural, economic, health, subsistence, and related issues within the Region and among its villages, including the viability of the villages themselves, many of which are remote and isolated;

(B) has been unable to fully carry out such responsibilities; and

(C) the implementation of the exchange referred to in this paragraph is essential to helping Calista utilize its assets to carry out those responsibilities to realize the benefits of ANCSA;

(3) the parties to the exchange have been unable to reach agreement on the valuation of the lands and interests in lands to be conveyed to the United States under section 8126 of Public Law 102–171; and

(4) in light of the foregoing, it is appropriate and necessary in this unique situation that Congress authorize and direct the implementation of this exchange as set forth in this section in furtherance of the purposes and underlying goals of the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act.

(b) LAND EXCHANGE IMPLEMENTATION.—Section 8126(a) of the Department of Defense Appropriations Act, 1992 (105 Stat. 1206) is amended—

(1) by inserting “(1)” after “(a)”;

(2) by striking “October 1, 1996” and inserting “October 1, 2002”;

(3) by inserting after “October 28, 1991” the following: “(hereinafter referred to as ‘CCRD’) and in the document entitled, ‘The Calista Conveyance and Relinquishment Document Addendum’, dated September 15, 1996 (hereinafter referred to as ‘CCRD Addendum’);”;

(4) by striking “The value” and all that follows through “*Provided, That the*” and inserting in lieu thereof the following:

“(2) The aggregate values of such lands and interests in land, together with compensation for the considerations set forth in the findings of this subsection, shall be the sum provided in paragraph (6) of the CCRD Addendum. The”;

(5) in the last sentence, by inserting a period after “1642” and striking all that follows in that sentence; and

(6) by adding at the end the following new paragraph:

“(3) The amount credited to the property account is not subject to adjustment for minor changes in acreage resulting from preparation or correction of the land descriptions in the CCRD or CCRD Addendum or the exclusion of any small tracts of land as a result of hazardous materials surveys.”.

(c) EXTENSION OF RESTRICTION ON CERTAIN PROPERTY TRANSFERS.—Section 8126(b) of Public Law 102–172 (105 Stat. 1206) is amended by striking “October 1, 1996” and inserting “October 1, 2002”.

(d) EXCHANGE ADMINISTRATION.—Section 8126(c) of Public Law 102–172 (105 Stat. 1207) is amended—

(1) by inserting “(1)” after “(c)”;

(2) by striking the sentence beginning “On October 1, 1996,” and inserting in lieu thereof the following: “To the extent such lands and interests have not been exchanged with the United States, on January 1, 1998, the Secretary of the Treasury shall establish a property account on behalf of Calista Corporation. If the parties have mutually agreed to a value as provided in subsection (a)(2), the Secretary of the Treasury shall credit the account accordingly. In the absence of such an agreement the Secretary of the Treasury shall credit the account with an amount equal to 66 percent of the total amount determined by paragraph (6) of the CCRD Addendum. The account shall be available for use as provided in subsection (c)(3), as follows:

“(A) On January 1, 1998, an amount equal to one-half the amount credited pursuant to this paragraph shall be available for use as provided.

“(B) On October 1, 1998, the remaining one-half of the amount credited pursuant to this paragraph shall be available for use as provided.

“(2) On October 1, 2002, to the extent any portion of the lands and interests in lands have not been exchanged pursuant to subsection (a) or conveyed or relinquished to the United States pursuant to paragraph (1), the account established by paragraph (1) shall be credited with an amount equal to any remainder of the value determined pursuant to paragraph (1).”;

(3) by inserting “(3)” before “Subject to”;

(4) by striking “on or after October 1, 1996,” and by inserting after “subsection (a) of this section,” the following: “upon conveyance or relinquishment

of equivalent portions of the lands referenced in the CCRD and the CCRD Addendum,”; and

(5) by adding at the end the following new paragraphs:

“(4) Notwithstanding any other provision of law, Calista Corporation or the village corporations identified in the CCRD Addendum may assign, without restriction, any or all of the account upon written notification to the Secretary of the Treasury and the Secretary of the Interior.

“(5) Calista will provide to the Bureau of Land Management, Alaska State Office, appropriate documentation to enable that office to perform the accounting required by paragraph (1) and to forward such information, if requested by Calista, to the Secretary of the Treasury as authorized by such paragraph.

“(6) For the purpose of the determination of the applicability of section 7(i) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(i)) to revenues generated pursuant to this section, such revenues shall be calculated in accordance with paragraph (5) of the CCRD Addendum.”.

#### **SEC. 6. MINING CLAIMS.**

Paragraph (3) of section 22(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(c)) is amended—

(1) by striking out “regional corporation” each place it appears and inserting in lieu thereof “Regional Corporation”; and

(2) by adding at the end the following: “The provisions of this section shall apply to Haida Corporation and the Haida Traditional Use Sites, which shall be treated as a Regional Corporation for the purposes of this paragraph, except that any revenues remitted to Haida Corporation under this section shall not be subject to distribution pursuant to section 7(i) of this Act.”.

#### **SEC. 7. SALE, DISPOSITION, OR OTHER USE OF COMMON VARIETIES OF SAND, GRAVEL, STONE, PUMICE, PEAT, CLAY, OR CINDER RESOURCES.**

Subsection (i) of section 7 of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(i)) is amended—

(1) by striking “Seventy per centum” and inserting “(A) Except as provided by subparagraph (B), seventy percent”; and

(2) by adding at the end the following:

“(B) In the case of the sale, disposition, or other use of common varieties of sand, gravel, stone, pumice, peat, clay, or cinder resources made after the date of enactment of this subparagraph, the revenues received by a Regional Corporation shall not be subject to division under subparagraph (A). Nothing in this subparagraph is intended to or shall be construed to alter the ownership of such sand, gravel, stone, pumice, peat, clay, or cinder resources.”.

#### **SEC. 8. ALASKA NATIVE ALLOTMENT APPLICATIONS.**

Section 905(a) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1634(a)) is amended by adding at the end the following:

“(7) Paragraph (1) of this subsection and subsection (d) shall apply, and paragraph (5) of this subsection shall cease to apply, to an application—

“(A) that is open and pending on the date of enactment of this paragraph,

“(B) if the lands described in the application are in Federal ownership other than as a result of reacquisition by the United States after January 3, 1959, and

“(C) if any protest which is filed by the State of Alaska pursuant to paragraph (5)(B) with respect to the application is withdrawn or dismissed either before, on, or after the date of the enactment of this paragraph.

“(8)(A) Any allotment application which is open and pending and which is legislatively approved by enactment of paragraph (7) shall, when allotted, be made subject to any easement, trail, or right-of-way in existence on the date of the Native allotment applicant’s commencement of use and occupancy.

“(B) The Secretary shall make any factual determinations required to carry out this paragraph.”.

#### **SEC. 9. VISITOR SERVICES.**

Paragraph (1) of section 1307(b) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(b)) is amended—

(1) by striking “Native Corporation” and inserting “Native Corporations”; and

(2) by striking “is most directly affected” and inserting “are most directly affected”.

#### **SEC. 10. LOCAL HIRE REPORT.**

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of the Interior shall transmit to Congress a report.

(b) LOCAL HIRE.—The report required by subsection (a) shall—

(1) indicate the actions taken in carrying out subsection (b) of section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198);

(2) address the recruitment processes that may restrict employees hired under subsection (a) of such section from successfully obtaining positions in the competitive service; and

(3) describe the actions of the Secretary of the Interior in contracting with Alaska Native Corporations to provide services with respect to public lands in Alaska.

(c) COOPERATION.—The Secretary of Agriculture shall cooperate with the Secretary of the Interior in carrying out this section with respect to the Forest Service.

#### PURPOSE OF THE BILL

The purpose of H.R. 2000 is to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes.

#### BACKGROUND AND NEED FOR LEGISLATION

The Alaska Native Claims Settlement Act (ANCSA) helped settle the aboriginal land claims of Alaska Natives. The goals of ANCSA were two fold: (1) to establish property rights of Native Alaskans in their aboriginal land; and (2) to secure an economic base for their long-term survival as a people. ANCSA created 13 regional corporations and 200 village corporations and granted these entities 44 million acres of land in Alaska and \$962.5 million to implement these goals.

This bill is a result of recommendations from the legislative council of the Alaska Federation of Natives to address some of the technical problems which have arisen since the passage of ANCSA and related statutes.

#### COMMITTEE ACTION

H.R. 2000 was introduced by Congressman Don Young (R-AK), Chairman of the Committee on Resources, on June 21, 1997. H.R. 2000 is similar to H.R. 2505 of the 104th Congress. H.R. 2000 was referred to the Committee on Resources. The Committee held hearings in the 104th Congress on H.R. 2505 on March 19, 1996, and June 11, 1996, to hear testimony from the Administration, the Alaska Federation of Natives, Calista Native Corporation, Ahtna Native Corporation, and Elim Native Corporation. The Committee held a mark up of H.R. 2000 on October 1, 1997. Congressman Young offered amendments en bloc which were adopted by voice vote. No other amendments were offered and the bill was ordered favorably reported to the House of Representatives by voice vote.

#### SECTION-BY-SECTION ANALYSIS

##### SECTION 1. AUTOMATIC LAND BANK PROTECTION

Section 1 would amend Section 907 of the Alaska National Interest Lands Conveyance Act (43 U.S.C. 1636, ANILCA) to extend the automatic land protections to lands trades between village corporations, intra-regional corporation land trades and Native corporation land trades with federal or state governments.

## SECTION 2. RETAINED MINERAL ESTATE

Section 2 would allow a Native regional corporation the option of obtaining the retained mineral estate of the Native land allotments that are totally surrounded by ANCSA Section 12(a) and 12(b) land selections of the village corporations.

## SECTION 3. CLARIFICATION ON TREATMENT OF BONDS FROM A NATIVE CORPORATION

Section 3 will allow the ANCSA corporations the options of distributing bonds to their shareholders as a form of collateral, and to be included in the \$2,000 annual income exclusion used in making a determination of a shareholder's qualification for food stamps and other entitlement programs.

## SECTION 4. AMENDMENT TO PUBLIC LAW 102-415

Section 4 would amend Public Law 102-415 to grant subsurface rights to the Cook Inlet Region Corporation in fulfillment of its entitlement under Section 14(h)(2) of ANCSA.

## SECTION 5. CALISTA CORPORATION LAND EXCHANGE

The Calista Native Corporation land exchange was originally authorized by Section 8126 of Public Law 102-172 in 1991. The lands package includes overall 218,515 acres of land (about half the size of Rhode Island), of which the vast majority is subsurface lands. The Department of the Interior and Calista Corporation have been unable to agree on the value of the lands to be exchanged because of a number of factors, including the difficulty in assigning value to lands that are: (1) wetlands whose primary benefits are for their natural, undeveloped character and wildlife productivity; and (2) subsurface estate which underlies fish and wildlife habitat inside the Yukon Delta National Wildlife Refuge.

The Calista Region is the most populous in Alaska. It is also the most remote and most socially troubled and economically disadvantaged. There are essentially no roads, little infrastructure and the living conditions there can be compared to the Third World. The health conditions are in many categories the worst in the Nation. There is no where else in the United States that is so isolated geographically and culturally than the Yukon Delta of the Calista Region.

ANILCA established the boundary for the Yukon Delta National Wildlife refuge to include the Native Regional and Village Corporation lands. The purposes of ANILCA include providing for "habitat for . . . wildlife species of inestimable value to . . . the Nation, including species dependent on vast relatively undeveloped areas", "to preserve in their natural state unaltered Arctic tundra" and "to protect the resources related to subsistence needs."

The lands in the Calista Region are a national wetlands repository with wildlife productivity unrivaled anywhere else. The entire Yukon-Kuskokwim Delta is the terminus or is a major resting and nesting area along the Pacific Flyway for dozens of species of birds and waterfowl.

Section 5 of the bill would amend Section 8126 of Public Law 102-72, which authorized a land exchange between the United

States and Calista Corporation. As stated above, the Calista Region of Alaska is one of the poorest and most socially troubled areas in the Nation. The exchange was authorized so as to provide Calista with a means of economic self sufficiency in furtherance of the purposes of ANCSA. Under Section 8126, the Secretary of the Interior and Calista were to determine a mutually agreeable value for Calista's lands and interests which are to be exchanged, subject to a maximum per acre value of \$300. The two parties have been unable to arrive at a mutually agreeable value, however. Moreover, the Secretary's appraisals did not comply with the requirements of Section 8126 and as a result, in the Committee's opinion, significantly underestimated the value of Calista's lands and interests. Section 5 would eliminate this impasse by establishing a total value to be ascribed to Calista's lands and interests, as Congress has had to do in numerous other instances since 1976. In doing so Congress would simply be providing the figure which Calista and the Secretary of the Interior were unable to determine. The Committee had directed the Calista Corporation and the Department of the Interior to resolve any outstanding issues with regard to this land exchange by October 24, 1997, but no resolution has yet been reached.

Subsection (a) sets out findings, which direct that the exchange should be implemented without delay; explains Calista's role as a Regional Native Corporation and that it has not been able to fully meet its responsibilities; states that the exchange is essential if Calista is to fully meet its responsibilities to the people of the Region; and declares that it is necessary and appropriate in this situation for Congress to direct the implementation of the exchange.

Subsection (b) amends section 8126 of Public Law 102-172. First, the subsection provides authority for certain Federal property to be transferred to the Secretary of the Interior for the purpose of exchanging such property for lands owned by the participating Alaska Native Corporations as outlined in the Calista Conveyance and Relinquishment Document (CCRD). Second, the subsection provides the authority for the establishment of aggregate values of the lands together with compensation for certain other considerations. Third, there will be no adjustment to the property account for minor changes in acreages based on corrections to land descriptions. Fourth, it provides for the establishment of a property account in an amount equal to the amount determined by the parties, or, absent such an agreement, determined under the CCRD. This account would be credited and be available for use according to the following schedule: January 1, 1998, one-half the account; October 1, 1998, the remaining one-half. Fifth, if all the exchanges authorized under Section 8126(a) of Public Law 102-172, or conveyances or relinquishments to the United States, have not completed by October 1, 2002, the account shall be credited accordingly. Sixth, the property account may be assigned after proper notice. Seventh, Calista Corporation must provide appropriate documentation to enable the Bureau of Land Management, Alaska State Office, to perform required accounting. Eighth, the subsection provides the method for calculating revenue to be shared under Section 7(i) of ANCSA as provided in the CCRD.

## SECTION 6. MINING CLAIMS

Section 6 would amend Public Law 104-42 to allow Haida Corporation to administer certain mining claims entirely within lands conveyed to Haida Corporation.

## SECTION 7. SALE, DISPOSITION, OR OTHER USE OF COMMON VARIETIES OF SAND, GRAVEL, STONE, PUMICE, PEAT, CLAY OR CINDER RESOURCES

Section 7 would make revenues derived by the regional corporations from the sale of sand, rock and gravel exempt from ANCSA Section 7(i) revenue sharing without affecting the ownership of the affected material spelled out in this proposal. This provision will codify an agreement that was reached between the ANCSA regional corporations in June of 1980 after years of litigation.

## SECTION 8. ALASKA NATIVE ALLOTMENT APPLICATIONS

Section 8 would address the Native allotments applications that the State of Alaska protested per ANILCA. The intent is, in those instances where the State of Alaska filed a protest against the legislative approval of Native allotments under ANILCA, and the State subsequently lifts its protest on an allotment, that allotment will then be considered legislatively approved under ANILCA. In addition, if the State of Alaska's protests are dismissed, the affected Native allotments would be considered legislatively approved under this provision.

## SECTION 9. VISITOR SERVICES

Section 9 would allow the Secretary of the Interior the flexibility of working with affected Native corporations rather than just one Native corporation on the implementation of Section 1307 of ANILCA (the contracting for visitor services, except sport fishing and hunting guiding activities, within any conservation unit). Section 1307(b)(1) requires the Secretary of the Interior to give preference to the Native corporation which the Secretary determines is most directly affected by the establishment or expansion of a conservation unit under ANILCA.

## SECTION 10. LOCAL HIRE REPORT

Section 10 addresses Section 1308 of ANILCA, which authorizes the Secretary of the Interior to hire local people with fewer skills than required under a job description through appointments. The problem is that if a person hired through this process later gains enough skills to meet or exceed the requirements of a job he or she was appointed to, he or she cannot become a permanent employee of the Department with associated benefits. This provision will direct the Secretary of the Interior to complete a report within 18 months of enactment to address the recruitment process that may restrict employees hired under Section 1308 of ANILCA from successfully obtaining positions in the competitive service.



# COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

## CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 2000.

## COST OF THE LEGISLATION

Clause 7(a) of Rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 2000. However, clause 7(d) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

## COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 2000 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of H.R. 2000 would increase direct spending.

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 2000.

3. With respect to the requirement of clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 2000 from the Director of the Congressional Budget Office.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, January 20, 1998.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources,  
U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed revised cost estimate for H.R. 2000, a bill to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes. This cost estimate supersedes the cost estimate provided on October 29, 1997.

CBO has revised the estimate of total costs for H.R. 2000 from \$17 million over the 1998–2007 period to \$34 million over the same period. In our previous estimate, we assumed that one-half of the monetary credits issued under H.R. 2000 would be used to purchase federal land that would not otherwise be sold. CBO has since learned that monetary credits may be used to purchase U.S. Treasury securities as well as real and tangible personal property. In fact, two Alaska Native Corporations have obtained Treasury securities with their monetary credits within the last two years. Because monetary credits can be used to purchase Treasury securities, which may be converted into cash, CBO now believes that the issuance of monetary credits will not increase federal sales of land. Therefore, CBO's best estimate of the cost of H.R. 2000 is simply the amount of monetary credits to be issued: \$34 million.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Victoria V. Heid (for federal costs), and Marjorie Miller (for the impact on state, local and tribal governments).

Sincerely,

JUNE E. O'NEILL, *Director*.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*H.R. 2000.—A bill to amend the Alaska Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes*

**Summary.**—CBO estimates that enacting H.R. 2000 would increase direct spending by about \$34 million over the 1998–2003 period. Because the bill would affect spending, pay-as-you-go procedures would apply.

H.R. 2000 contains at least one intergovernmental mandate as defined in the Unfunded Mandates reform Act of 1995 (UMRA), but CBO estimates that any costs imposed on state, local, and tribal governments would be minimal and would not exceed the threshold established in that act (\$50 million in 1996, adjusted annually for inflation). The bill contains no private-sector mandates as defined in UMRA.

This cost estimate revises and supersedes the CBO estimate provided on October 29, 1997. The revisions are explained below.

**Description of the bill's major provisions.**—H.R. 2000 would affect the terms and conditions of various property transactions involving Alaska native corporations. Several provisions would affect the property rights of specific native corporations.

H.R. 2000 would amend existing law by assigning a value of \$39 million to properties to be conveyed by the Calista Corporation in exchange for monetary credits to certain federal properties if the Department of the Interior (DOI) and the corporation have not agreed on the value of the exchange by January 1, 1998. The bill would allow the Doyon, Limited, native corporation to obtain the subsurface rights retained by the federal government in up to 12,000 acres of public lands surrounded by or contiguous to corporation-owned properties. Another provision would expand the entitlement of the Cook Inlet Region Incorporated (CIRI) to include subsurface rights to an additional 3,520 acres.

The bill would permit individual natives to exclude bonds issued by a native corporation from the assets used for determining financial eligibility for federal need-based assistance or benefits.

The bill would extend certain protections to lands exchanged among corporation, clarify the status of applications involving land allotments, and exempt a corporation's revenues from sand, gravel, and certain other resources from the income distribution requirements that apply to regional corporations' development of subsurface property. The bill would specify the method of distributing mining claim revenues related to the Haida Corporation or Haida Traditional Use sites.

Finally, the bill includes administrative provisions affecting contract preferences for visitor services, and requiring a status report by the Secretary of the Interior on implementing current laws on local hiring and contracting with regard to public lands.

**Estimated cost to the Federal Government.**—CBO estimates that enacting this bill would increase direct spending by \$21 million in 1998 and \$34 million over the 1998–2003 period. The estimated budgetary impact of enacting H.R. 2000 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By Fiscal Year, in millions of dollars					
	1998	1999	2000	2001	2002	2003
Direct Spending (including offsetting receipts)						
Spending Under Current Law:						
Estimated Budget Authority .....	5	0	0	0	0	0
Estimated Outlays .....	5	0	0	0	0	0
Proposed Changes:						
Estimated Budget Authority .....	21	0	0	0	0	13
Estimated Outlays .....	21	0	0	0	0	13
Spending Under H.R. 2000:						
Estimated Budget Authority .....	26	0	0	0	0	13
Estimated Outlays .....	26	0	0	0	0	13

#### BASIS OF ESTIMATE

##### *Direct Spending*

CBO estimates that enacting H.R. 2000 would increase direct spending because of provisions that would issue monetary credits.

##### *Calista Corporation property account*

The costs of this bill would result primarily from section 5, which prescribes the value of the Calista Corporation's properties to be exchanged for monetary credits with the Department of the Interior to complete a land exchange between the two parties. Under current law, the Calista Corporation is to receive monetary credits equal to the value of the lands to be conveyed, and the corporation is authorized to use these monetary credits to complete the land exchange by purchasing other federal property. The value of monetary credits counts as direct spending in the year they are issued. So far no monetary credits have been awarded because DOI and Calista disagree on the valuation of the properties.

The gap between the valuations is substantial: the department's appraisal assigned a value of about \$5 million to the properties, while the corporation asserts that their property is worth signifi-

cantly more. Given the differences in methodologies and values, this impasse could last for some time. Because the department will not award monetary credits until there is an agreement, it is possible that, under current law, Calista would not receive any monetary credits for several years. For the purpose of this estimate, however, we assume an agreement will be reached in fiscal year 1998, because of Calista's interest in acquiring property with the credits. Although a negotiated valuation could exceed DOI's \$5 million appraisal, CBO has no basis for estimating whether and to what extent the Secretary would agree to a higher value. Hence, we assume for this estimate that Calista would receive monetary credits of about \$5 million in fiscal year 1998 in the absence of this legislation.

H.R. 2000 provides that if the parties did not agree on a value of the Calista properties to be exchanged, the value would be established at \$39 million. If the exchange does not occur before January 1, 1998, the bill directs the Secretary of the Treasury to credit the Calista property account with two-thirds of the established value of the Calista property (\$26 million) in monetary credits in fiscal year 1998. The corporation would be permitted to use up to one-half of that amount in fiscal year 1998 and the remaining one-half of the amount in fiscal year 1999. If the two parties have not completed the exchange by October 1, 2002, the bill directs the Secretary of the Treasury to credit the account with monetary credits equal to the remaining \$13 million. These actions would result in a net increase of \$34 million in the amount of credits issued. Monetary credits are scored as direct spending in the year they are issued.

The bill provides that only federal property not scheduled to be sold before fiscal year 2003 may be transferred to the Secretary of the Interior for use in the Calista land exchange. However, that limitation does not apply to the corporation's use of monetary credits to purchase federal property, including Treasury securities.

#### *Subsurface conveyance to Doyon Limited*

Section 2 would allow Doyon, Limited, a regional corporation, to acquire up to 12,000 acres of federally owned mineral estate surrounded by or contiguous to subsurface lands owned by that corporation. According to DOI, the federally owned mineral estate that Doyon, Limited, could acquire under the bill currently has no mineral development. Based on information from the agency, we estimate that although the federal land to be conveyed has some potential for future development, any forgone receipts from the conveyance would total less than \$500,000 per year.

#### *Change in eligibility for certain federal assistance*

Section would permit Alaska natives to exclude bonds issued by a native corporation from the assets and resources used to determine financial eligibility for federal need-based assistance or benefits. Under current law, natives may exclude certain assets, including stocks issued or distributed by a native corporation as a dividend, from federal financial eligibility tests. This provision would expand the permitted exclusions to include bonds issued by native corporations. Enacting this provisions could have limited effects on the federal budget in certain situations. For example, according to

a representative of Cook Inlet Region Incorporated (CIRI), this provision would give CIRI greater flexibility in financing a corporate buy-back of its shares, which it seeks in order to keep shares in native ownership. (Because CIRI is the only native corporation currently authorized (under Public Law 104–10) to purchase stock from its shareholders, natives in other native corporations would not be affected in this case.) Enacting the provision could increase federal spending by allowing CIRI shareholders, who had planned to sell their shares to CIRI in exchange for a bond and would have stopped receiving federal assistance payments once their assets exceeded financial eligibility tests, to continue to receive federal assistance. We estimate that any such increase in federal assistance payments would total less than \$500,000 per year.

#### *Change in CIRI's subsurface rights*

Section 4 would increase the entitlement of CIRI to include subsurface rights to an additional 3,520 acres of federal land. Based on information from CIRI representatives and DOI, the corporation is likely to choose properties in the Talkeetna Mountains area. According to DOI, the federal government currently generates no offsetting receipts from that land and does not expect any significant income from it over the next ten years. Therefore, we estimate that any budgetary effect of enacting this provision would be negligible.

**Pay-as-you-go considerations.**—Section 252 of the Balance Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. As shown in the following table, CBO estimates that enacting H.R. 2000 would affect direct spending by increasing the amount of monetary credits issued to the Calista Corporation by \$34 million over the 1998–2007 period. Other provisions could also affect direct spending by giving various native corporations the rights to income-producing federal lands, but we estimate that any such additional effects would be negligible. For the purposes of enforcing pay-as-you-go procedures, only the effects in the budget year and the subsequent four years are counted.

SUMMARY OF EFFECTS ON DIRECT SPENDING AND RECEIPTS

	By Fiscal Year, in millions of dollars									
	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Changes in outlays .....	21	0	0	0	0	13	0	0	0	0
Changes in receipts ....	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Not applicable.

**Estimated impact on state, local, and tribal governments.**—H.R. 2000 contains at least one intergovernmental mandate as defined in UMRA, but CBO estimates that any costs imposed on state, local, and tribal governments would be minimal and would not exceed the threshold established in that act (\$50 million in 1996, adjusted annually for inflation).

#### *Mandates*

Section 1 of this bill would amend the Alaska National Interest Lands Conservation Act to clarify what lands are eligible for automatic land protections, including exemption from property taxes.

This provision would impose a mandate on the state of Alaska and its constituent local governments because it could increase the amount of land exempt from state and local property taxes. (UMRA defines the direct cost of mandates to include revenues that state, local, or tribal governments would be prohibited from collecting.) Based on information provided by Alaska state officials, we estimate that the impact would be negligible, because Alaska has no state property tax and most of the land affected would be in areas of the state with no local property taxes.

By exempting the bonds of native corporations and the income from those bonds from the determination of eligibility for some means-tested federal assistance programs, section 3 would increase spending for those programs. Because states share these costs, this provision would impose costs on state governments. CBO cannot determine whether some of these costs would result from an inter-governmental mandate, as defined in UMRA. In any event, CBO estimates that any additional costs to states would be minimal.

#### *Other impacts*

Other sections of the bill would result in both costs and benefits for state, local, and tribal governments. Several sections of the bill would benefit specific Alaska native corporations, but some of these provisions could affect the distribution of land and other resources among the corporations. For example, section 7 would allow regional corporations to dispose of sand, gravel, and similar materials without distributing part of the proceeds among the other regional corporations, as required by current law. This change would allow village corporations to gain greater access to these resources.

Other provisions would benefit Alaska native corporations by expanding their rights to property and resources currently held by the federal government. Section 5 would specify the value of the properties to be exchanged by the Calista Corporation for other federal properties. This section would effectively increase the amount of property that the corporation could obtain. Section 2 would allow Doyon, Ltd., a regional native corporation, to obtain additional subsurface rights now retained by the federal government. Section 4 would give CIRI subsurface rights to an additional 3,520 acres.

Estimated impact on the private sector.—This bill will impose no new private-sector mandates as defined in UMRA.

Previous CBO estimate.—This revised cost estimate supersedes a CBO cost estimate prepared on October 29, 1997, for H.R. 2000 as ordered reported by the House Committee on Resources on October 1, 1997.

CB has revised the estimate of total costs for H.R. 2000 from \$17 million over the 1998–2007 period to \$34 million over the same period. In our previous estimate, we assumed that one-half of the monetary credits issued under H.R. 2000 would be used to purchase federal land that would not otherwise be sold. CBO has since learned that monetary credits may be used to purchase U.S. Treasury securities as well as real and tangible personal property. In fact, two Alaska Native Corporations have obtained Treasury securities with their monetary credits within the last two years: Gold Creek used \$5 million of their monetary credits to buy Treasury securities in October 1996, and the Haida Corporation used \$48 mil-

lion of monetary credits to buy Treasury securities in March 1997. Because monetary credits can be used to purchase Treasury securities, which may be converted into cash, CBO now believes that the issuance of monetary credits will not increase federal sales of land. Therefore, CBO's best estimate of the cost of H.R. 2000 is simply the amount of monetary credits to be issued: \$34 million.

Estimate prepared by.—Federal Costs: Victoria V. Heid. Impact on State, Local and Tribal Governments: Marjorie Miller.

Estimate approved by.—Paul N. Van de Water, Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 2000 contains no unfunded mandates, as defined in Public Law 104-4.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

### ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

\* \* \* \* \*

#### TITLE IX—IMPLEMENTATION OF ALASKA NATIVE CLAIMS SETTLEMENT ACT AND ALASKA STATEHOOD ACT

\* \* \* \* \*

#### ALASKA NATIVE ALLOTMENTS

SEC. 905. (a)(1) \* \* \*

\* \* \* \* \*

*(7) Paragraph (1) of this subsection and subsection (d) shall apply, and paragraph (5) of this subsection shall cease to apply, to an application—*

*(A) that is open and pending on the date of enactment of this paragraph,*

*(B) if the lands described in the application are in Federal ownership other than as a result of reacquisition by the United States after January 3, 1959, and*

*(C) if any protest which is filed by the State of Alaska pursuant to paragraph (5)(B) with respect to the application is withdrawn or dismissed either before, on, or after the date of the enactment of this paragraph.*

*(8)(A) Any allotment application which is open and pending and which is legislatively approved by enactment of paragraph (7) shall, when allotted, be made subject to any easement, trail, or right-of-way in existence on the date of the Native allotment applicant's commencement of use and occupancy.*

(B) *The Secretary shall make any factual determinations required to carry out this paragraph.*

\* \* \* \* \*

# ALASKA LAND BANK

SEC. 907. (a) \* \* \*

\* \* \* \* \*

(d) AUTOMATIC PROTECTIONS FOR LANDS CONVEYED PURSUANT TO THE ALASKA NATIVE CLAIMS SETTLEMENT ACT.—(1)(A) Notwithstanding any other provision of law or doctrine of equity, all land and interests in land in Alaska conveyed by the Federal Government pursuant to the Alaska Native Claims Settlement Act to a Native individual or Native Corporation or subsequently reconveyed by a Native Corporation pursuant to section 39 of that Act to a Settlement Trust or conveyed to a Native Corporation pursuant to an exchange authorized by section 22(f) of Alaska Native Claims Settlement Act or section 1302(h) of this Act or other applicable law shall be exempt, so long as such land and interests are not developed or leased or sold to third parties from—

(i) \* \* \*

\* \* \* \* \*

(2) DEFINITIONS.—(A) \* \* \*

(B) For purposes of this subsection—

(i) \* \* \*

(ii) land upon which timber resources are being harvested shall be considered developed only during the period of such harvest and only to the extent that such land is integrally related to the timber harvesting operation; [and]

(iii) land subdivided by a State or local platting authority on the basis of a subdivision plat submitted by the holder of the land or its agent, shall be considered developed on the date an approved subdivision plat is recorded by such holder or agent unless the subdivided property is a remainder parcel[.]; and

(iv) *lands or interest in lands shall not be considered developed or leased or sold to a third party as a result of an exchange or conveyance of such land or interest in land between or among Native Corporations and trusts, partnerships, corporations, or joint ventures, whose beneficiaries, partners, shareholders, or joint venturers are Native Corporations.*

(3) ACTION BY A TRUSTEE.—(A) \* \* \*

(B) The prohibitions of subparagraph (A) shall not apply—

(i) when the actions of such trustee, receiver, or custodian are for purposes of exploration or pursuant to a judgment in law or in equity (or arbitration award) arising out of any claim made pursuant to section 7(i) or section 14(c) of the Alaska Native Claims Settlement Act; [or]

(ii) to any land, or interest in land, which has been—

(I) developed or leased prior to the vesting of the trustee, receiver, or custodian with the right, title, or interest of the Native Corporation; or



(II) expressly pledged as security for any loan or expressly committed to any commercial transaction in a valid agreement【.】; or

(iii) *to actions by any trustee whose right, title, or interest in land or interests in land arises pursuant to an agreement between or among Native Corporations and trusts, partnerships, or joint ventures whose beneficiaries, partners, shareholders, or joint venturers are Native Corporations.*

\* \* \* \* \*

### TITLE XIII—ADMINISTRATIVE PROVISIONS

\* \* \* \* \*

#### REVENUE-PRODUCING VISITOR SERVICES

SEC. 1307. (a) \* \* \*

(b) PREFERENCE.—Notwithstanding provisions of law other than those contained in subsection (a), in selecting persons to provide (and in contracting for the provisions of) any type of visitor of visitor service for any conservation system unit, except sport fishing and hunting guiding activities, the Secretary—

(1) shall give preference to Native 【Corporation】 *Corporations* which the Secretary determines 【is most directly affected】 *are most directly affected* by the establishment or expansion of such unit by or under the provisions of this Act;

\* \* \* \* \*

---

### ALASKA NATIVE CLAIMS SETTLEMENT ACT

\* \* \* \* \*

#### REGIONAL CORPORATIONS

SEC. 7. (a) \* \* \*

\* \* \* \* \*

(i)(1) 【Seventy per centum】(A) *Except as provided by subparagraph (B), seventy percent* of all revenues received by each Regional Corporation from the timber resources and subsurface estate patented to it pursuant to this Act shall be divided annually by the Regional Corporation among all twelve Regional Corporations organized pursuant to this section according to the number of Natives enrolled in each region pursuant to section 5. The provisions of this subsection shall not apply to the thirteenth Regional Corporation if organized pursuant to subsection (c) hereof.

(B) *In the case of the sale, disposition, or other use of common varieties of sand, gravel, stone, pumice, peat, clay, or cinder resources made after the date of enactment of this subparagraph, the revenues received by a Regional Corporation shall not be subject to division under subparagraph (A). Nothing in this subparagraph is intended to or shall be construed to alter the ownership of such sand, gravel, stone, pumice, peat, clay, or cinder resources.*

\* \* \* \* \*

## NATIVE LAND SELECTIONS

SEC. 12. (a) \* \* \*

\* \* \* \* \*

(c) The difference between thirty-eight million acres and the 22 million acres selected by Village Corporations pursuant to subsections (a) and (b) shall be allocated among the eleven Regional Corporations (which excludes the Regional Corporation for southeastern Alaska) as follows:

(1) \* \* \*

\* \* \* \* \*

(4) Where the public lands consist only of the mineral estate, or portion thereof, which is reserved by the United States upon patent of the balance of the estate under one of the public land laws, other than this Act, the Regional Corporations may select as follows:

(A) \* \* \*

\* \* \* \* \*

*(C) Where such public lands are surrounded by or contiguous to subsurface lands obtained by a Regional Corporation under subsections (a) or (b), the Corporation may, upon request, have such public land conveyed to it.*

*(D)(i) A Regional Corporation which elects to obtain public lands under subparagraph (C) shall be limited to a total of not more than 12,000 acres. Selection by a Regional Corporation of in lieu surface acres under subparagraph (E) pursuant to an election under subparagraph (C) shall not be made from any lands within a conservation system unit (as that term is defined by section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4)).*

*(ii) An election to obtain the public lands described in subparagraph (A), (B), or (C) shall include all available parcels within the township in which the public lands are located.*

*(iii) For purposes of this subparagraph and subparagraph (C), the term "Regional Corporation" shall refer only to Doyon, Limited.*

**[(C)]** (E) Where the Regional Corporation elects to obtain such public lands under subparagraph **[(A) or (B)]** (A), (B), or (C) of this paragraph, it may select, within ninety days of receipt of notice from the Secretary, the surface estate in an equal acreage from other public lands withdrawn by the Secretary for that purpose. Such selections shall be in units no smaller than a whole section, except where the remaining entitlement is less than six hundred and forty acres, or where an entire section is not available. Where possible, selections shall be of lands from which the subsurface estate was selected by that Regional Corporation pursuant to subsection 12(a)(1) or 14(h)(9) of this Act, and, where possible, all selections made under this section shall be contiguous to lands already selected by the Regional Corporation or a Village Corporation. The Secretary is authorized, as necessary, to withdraw up to two times the acreage entitlement of the in lieu surface estate from vacant, unappropriated, and unreserved public lands from which the Regional Corporation may select such in lieu surface estate

except that the Secretary may withdraw public lands which had been previously withdrawn pursuant to subsection 17(d)(1).

[(D)] (F) No mineral estate or in lieu surface estate shall be available for selection within the National Petroleum Reserve—Alaska or within Wildlife Refuges as the boundaries of those refuges exist on the date of enactment of this Act.

\* \* \* \* \*

#### MISCELLANEOUS

SEC. 22. (a) \* \* \*

\* \* \* \* \*

(c)(1) \* \* \*

\* \* \* \* \*

(3) This section shall apply to lands conveyed by interim conveyance or patent to a [regional corporation] *Regional Corporation* pursuant to this Act which are made subject to a mining claim or claims located under the general mining laws, including lands conveyed prior to enactment of this paragraph. Effective upon the date of enactment of this paragraph, the Secretary, acting through the Bureau of Land Management and in a manner consistent with section 14(g), shall transfer to the [regional corporation] *Regional Corporation* administration of all mining claims determined to be entirely within lands conveyed to that corporation. Any person holding such mining claim or claims shall meet such requirements of the general mining laws and section 314 of the Federal Land Management and Policy Act of 1976 (43 U.S.C. 1744), except that any filings that would have been made with the Bureau of Land Management if the lands were within Federal ownership shall be timely made with the appropriate [regional corporation] *Regional Corporation*. The validity of any such mining claim or claims may be contested by the [regional corporation] *Regional Corporation*, in place of the United States. All contest proceedings and appeals by the mining claimants of adverse decisions made by the [regional corporation] *Regional Corporation* shall be brought in Federal District Court for the District of Alaska. Neither the United States nor any Federal agency or official shall be named or joined as a party in such proceedings or appeals. All revenues from such mining claims received after passage of this paragraph shall be remitted to the [regional corporation] *Regional Corporation* subject to distribution pursuant to section 7(i) of this Act, except that in the event that the mining claim or claims are not totally within the lands conveyed to the [regional corporation] *Regional Corporation*, the [regional corporation] *Regional Corporation* shall be entitled only to that proportion of revenues, other than administrative fees, reasonably allocated to the portion of the mining claim so conveyed. *The provisions of this section shall apply to Haida Corporation and the Haida Traditional Use Sites, which shall be treated as a Regional Corporation for the purposes of this paragraph, except that any revenues remitted to Haida Cor-*

*poration under this section shall not be subject to distribution pursuant to section 7(i) of this Act.*

\* \* \* \* \*

#### RELATION TO OTHER PROGRAMS

SEC. 29. (a) \* \* \*

\* \* \* \* \*

(c) In determining the eligibility of a household, an individual Native, or a descendant of a Native (as defined in section 3(r)) to—

(1) \* \* \*

\* \* \* \* \*

(3) receive financial assistance or benefits, based on need, under any other Federal program or federally-assisted program,

none of the following, received from a Native Corporation, shall be considered or taken into account as an asset or resource:

(A) cash (including cash dividends on stock received from a Native Corporation *and on bonds received from a Native Corporation*) to the extent that it does not, in the aggregate, exceed \$2,000 per individual per annum;

(B) stock (including stock issued or distributed by a Native Corporation as a dividend or distribution on stock) *or bonds issued by a Native Corporation which bonds shall be subject to the protection of section 7(h) until voluntarily and expressly sold or pledged by the shareholder subsequent to the date of distribution;*

\* \* \* \* \*

---

### SECTION 20 OF THE ALASKA LAND STATUS TECHNICAL CORRECTIONS ACT OF 1992

SEC. 20. GOLD CREEK SUSITNA ASSOCIATION, INCORPORATED ACCOUNT.

(a) \* \* \*

\* \* \* \* \*

(h) *Establishment of the account under subsection (b) and conveyance of land under subsection (c), if any, shall be treated as though 3,520 acres of land had been conveyed to Gold Creek under section 14(h)(2) of the Alaska Native Claims Settlement Act for which rights to subsurface estate are hereby provided to CIRI. Within one year from the date of enactment of this subsection, CIRI shall select 3,520 acres of land from the area designated for selection by paragraph I.B.(2)(b) of the document identified in section 12(b) (referring to the Talkeetna Mountains) of the Act of January 2, 1976 (43 U.S.C. 1611 note). Not more than five selections shall be made under this subsection, each of which shall be reasonably compact and in whole sections, except when separated by unavailable lands or when the remaining entitlement is less than a whole section.*

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**SECTION 8126 OF THE DEPARTMENT OF DEFENSE  
APPROPRIATIONS ACT, 1992**

SEC. 8126. (a)(1) Property as defined in section 8133 of the Department of Defense Appropriations Act of 1991 (104 Stat. 1909) held by Federal agencies or instrumentalities and which is not scheduled for disposition by sale prior to **October 1, 1996** *October 1, 2002*, as determined by such agencies or instrumentalities shall be, except as provided in subsection (b) of this section, transferred to the Secretary of the Interior, at his request, without compensation or reimbursement, for the purpose of entering into a land exchange or exchanges with the Calista Corporation, a corporation organized under the laws of the State of Alaska. The Secretary is authorized to exchange such property for the lands and interests in lands (which for purposes of this section include lands, partial estates, and land selection rights) of equal value identified in the document entitled “The Calista Conveyance and Relinquishment Document”, dated October 28, 1991 (*hereinafter referred to as “CCRD”*) and in the document entitled, “*The Calista Conveyance and Relinquishment Document Addendum*”, dated September 15, 1996 (*hereinafter referred to as “CCRD Addendum”*). [The value of the lands and interests in lands included in that document shall be determined by the Secretary of the Interior not later than nine months after the date of enactment of this section. In making such value determination, the Secretary shall consider, in addition to the “Uniform Appraisal Standards for Federal Land Acquisitions”, the public interest values of such lands and interests in lands, including, but not limited to, the location of such lands and interests in lands within the boundary of a national wildlife refuge, and statutorily authorized or mandated exchanges with and acquisitions by the Federal Government of lands and interests in lands in Alaska. In the event that the parties cannot agree on the value of such lands and interests in land, the procedures specified in subsection 206(d), of Public Law 94–579, as amended, shall be used to establish the value: *Provided, That the*]

(2) *The aggregate values of such lands and interests in land, together with compensation for the considerations set forth in the findings of this subsection, shall be the sum provided in paragraph (6) of the CCRD Addendum. The average value per acre of such lands and interests in lands shall be no more than \$300. Property exchanged and conveyed by the United States pursuant to this section shall be considered and treated as conveyances of land entitlements under 43 U.S.C. 1601 through 1642 [(except for subsections (a) through (c) and (f) through (j) of section 1620, section 1627(b), and section 1636(d)).].*

(3) *The amount credited to the property account is not subject to adjustment for minor changes in acreage resulting from preparation or correction of the land descriptions in the CCRD or CCRD Addendum or the exclusion of any small tracts of land as a result of hazardous materials surveys.*

(b) Prior to October 1, **[1996]** *2002*, no property held for sale by the Resolution Trust Corporation or the Federal Deposit Insurance Corporation shall be transferred to the Secretary of the Interior to carry out the purposes of this section.

(c)(1) The Secretary of the Interior shall maintain an accounting of the value of lands and interests in lands remaining to be conveyed or relinquished by Calista Corporation pursuant to this section. **【On October 1, 1996, the Secretary of the Treasury shall establish a property account with an initial balance equal to the value of lands and interests in lands which Calista Corporation has not then conveyed or relinquished to the United States pursuant to this section.】** *To the extent such lands and interests have not been exchanged with the United States, on January 1, 1998, the Secretary of the Treasury shall establish a property account on behalf of Calista Corporation. If the parties have mutually agreed to a value as provided in subsection (a)(2), the Secretary of the Treasury shall credit the account accordingly. In the absence of such an agreement the Secretary of the Treasury shall credit the account with an amount equal to 66 percent of the total amount determined by paragraph (6) of the CCRD Addendum. The account shall be available for use as provided in subsection (c)(3), as follows:*

*(A) On January 1, 1998, an amount equal to one-half the amount credited pursuant to this paragraph shall be available for use as provided.*

*(B) On October 1, 1998, the remaining one-half of the amount credited pursuant to this paragraph shall be available for use as provided.*

*(2) On October 1, 2002, to the extent any portion of the lands and interests in lands have not been exchanged pursuant to subsection (a) or conveyed or relinquished to the United States pursuant to paragraph (1), the account established by paragraph (1) shall be credited with an amount equal to any remainder of the value determined pursuant to paragraph (1).*

*(3) Subject to reduction upon conveyances pursuant to subsection (a) of this section, upon conveyance or relinquishment of equivalent portions of the lands referenced in the CCRD and the CCRD Addendum, said account shall be available **【on or after October 1, 1996,】** for the sale of property by all agencies or instrumentalities of the United States, to the same extent as is separately authorized to the accounts described in subsection 9102(a)(2) of the Department of Defense Appropriations Act, 1990 (103 Stat. 1151).*

*(4) Notwithstanding any other provision of law, Calista Corporation or the village corporations identified in the CCRD Addendum may assign, without restriction, any or all of the account upon written notification to the Secretary of the Treasury and the Secretary of the Interior.*

*(5) Calista will provide to the Bureau of Land Management, Alaska State Office, appropriate documentation to enable that office to perform the accounting required by paragraph (1) and to forward such information, if requested by Calista, to the Secretary of the Treasury as authorized by such paragraph.*

*(6) For the purpose of the determination of the applicability of section 7(i) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(i)) to revenues generated pursuant to this section, such revenues shall be calculated in accordance with paragraph (5) of the CCRD Addendum.*

\* \* \* \* \*

#### ADDITIONAL VIEWS

The concept underlying H.R. 2000 is to develop, on a consensus basis, non-controversial omnibus legislation which is likely to be enacted into law, as was the case with two previous Alaska Native "technical amendment" bills. Nine of the ten sections in this bill appear to fit that model and are the product of extensive negotiations between the Department of the Interior, the State of Alaska, and Alaska Natives.

Section 5, however, raises a disturbing precedent by having Congress pay greatly in excess of fair market value for lands that are not highly desired by the U.S. Fish and Wildlife Service as additions to the national wildlife refuge system.

Section 5 would establish, by Congressional mandate and without regard to fair market valuation or appraisal, a payment of \$39.4 million for the acquisition of property owned by the Calista Corporation (and three Native village corporations) located within the Yukon Delta National Wildlife Refuge. Calista's self-negotiated selling price of \$39.4 million is eight times greater than the U.S. Fish and Wildlife Service's appraised value of \$5 million. Moreover, the lands package being offered by Calista has been subsequently revised, with high value (gold-potential) lands at Uluksak River dropped, and lands added which have not been appraised.

The second major problem is that, with the primary exception of 10,000 surface acres at Dall Lake, the bulk of the lands are not considered by the U.S. Fish and Wildlife Service to be high priority acquisitions. In the case of nearly 200,000 of the acres to be acquired, the U.S. would gain title only to subsurface lands which have little chance of development. The USF&WS views acquisition of these subsurface lands as having no direct benefit to fish and wildlife surface habitat. The agency had no input in the original authorization for this acquisition which was not approved by this Committee, but rather slipped through Congress without hearings as a legislative rider in the fiscal Year 1992 Defense Appropriations Act [Section 8126 of Public Law 102-172].

I recognize that the Calista Native region faces difficult economic and social challenges, I have supported previous actions by this Committee to assist Alaska Natives, for example, by including the Community Development Quota program in the Magnuson Act reauthorization, thus assuring that a fair portion of the fisheries resources are reserved to benefit communities in Western Alaska. And I also recognize that the enormous Yukon Delta National Wildlife Refuge provides critical wetlands habitat for migratory waterfowl on the Pacific Flyway.

But Congress should recognize this proposed acquisition for what it is: a gift to Alaska Native Corporations, thinly disguised as a land acquisition of dubious merit, courtesy of the U.S. taxpayers. As the Department of the Interior stated in its views on H.R. 2000

on September 30, 1997: “[w]hile we cannot support the specific values assigned by this bill for this exchange, because they are for considerably more than an appraised value and would jeopardize other land exchanges in Alaska, we do not oppose having Congress provide Calista with an economic and social development grant to accompany the appraised value land payment.”

To put the magnitude of the proposed Calista acquisition in perspective, in Fiscal Year 1997, Congress appropriated only \$44.5 million from the Land and Water Conservation Fund for national wildlife refuge land acquisition. By granting \$39.4 million to Calista, this bill would allocate to one dubious acquisition in one state nearly the amount spent on refuge acquisition in the entire nation.

CBO’s cost estimate concludes that paying Calista in excess of the \$5 million appraised value would increase direct spending and result in a loss of \$34 million in receipts from federal property sales. A legislative rider in the FY 1990 Defense Appropriations Act [Section 9102 of Public Law 101–165] expanded the applicable definition of federal property to include securities issued by the Treasury, essentially allowing Calista to receive cash without bidding on surplus federal property.

GEORGE MILLER.



**A P P E N D I X**

**THE CALISTA CONVEYANCE AND  
RELINQUISHMENT DOCUMENT (CCRD)**

**OCTOBER 28, 1991  
[Revised November 3, 1997]**

Revised November 3, 1997 to reflect changes to previously included Calista parcels, additions of the NIMA and The Kuskokwim Corporation (TKC) tracts to the lands being offered, The TKC Conservation Easement, and other relevant edits.

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## **Calista Conveyance and Relinquishment Document (CCRD)**

### **I. Purpose**

The general purpose of this document is to identify the lands, interests in lands, and entitlements to lands which are to be exchanged for property held by the U.S. Government or otherwise conveyed to the United States, pursuant to an agreement with the Calista Corporation and the participating Native Village Corporations.

The underlying purposes of the Calista land exchange, authorized by Section 8126 of P.L. 102-172, include --

- (1) helping to ensure and enhance the long-term conservation of Native-owned fish and wildlife habitat located within the boundaries of Yukon Delta National Wildlife Refuge; and
- (2) assisting Calista convert its principal tangible asset, its lands, to property that can be used to help the Corporation remain viable, develop economically, and continue to carry out its responsibilities as envisioned in ANCSA to the people of the Calista Region.

The Calista land exchange authorizes the exchange of fish and wildlife habitat conservation land, surface and subsurface estates in land, and entitlement to land owned by Calista and certain Native village corporations for other property owned by the federal government. This exchange is similar in effect to the property exchanges authorized by law for the Cook Inlet Regional Corporation, Haida Native Corporation, and Gold Creek Native Corporation.

### **II. The Alaska National Interest Lands Conservation Act**

The Calista land exchange involves land which is located within the boundaries of a National conservation system unit established in 1980 by the Alaska National Interest Lands Conservation Act (ANILCA) (P.L. 96-487). Among other things, ANILCA significantly expanded the National Wildlife Refuge System in Alaska.

Among the purposes of ANILCA are these --

"to preserve unrivaled scenic and geological values associated with natural landscapes;

to provide for the maintenance of sound populations of, and habitat for, wildlife species of inestimable value to the citizens of Alaska and the Nation, including those species dependent on vast relatively undeveloped areas;

to preserve in their natural state extensive unaltered Arctic tundra, boreal forest, and coastal rainforest ecosystems;

to protect the resources related to subsistence needs . . . . "

By statute, the lands located within the boundaries of these conservation system units, including the Yukon Delta National Wildlife Refuge, are of "national interest." In fact, Section 103(c) of ANILCA provides that if "... a Native Corporation ... desires to convey any such lands, the Secretary may acquire such lands ... and any such lands shall become part of the unit, and be administered accordingly."

In ANILCA also, the purposes "for which the Yukon Delta National Wildlife Refuge is established and shall be managed to include--

(i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, shorebirds, seabirds, whistling swans, emperor, white-fronted and Canada geese, black brant and other migratory birds, salmon, muskox and marine mammals; ...

(iii) to provide ... the opportunity for continued subsistence uses by local residents ....."

Consistent with the purposes of ANILCA and the Yukon Delta National Wildlife Refuge, the lands in this exchange package will become part of the Refuge upon completion of the transactions authorized in the Calista land package.

### **III. The Calista Land Exchange**

The Calista Corporation is an Alaska Native Regional Corporation organized under authority of the Alaska Native Claims Settlement Act (ANCSA) whose lands are located in Southwestern Alaska. It includes more than 50 Yupik Villages in the Yukon-Kuskokwim Delta.

The Calista land exchange involves a total of approximately 218,515 acres, including 46,577 acres of surface fee and conservation easements protecting the surface resources and habitat, and approximately 208,515 acres of subsurface estate, all within the YDNWR as well as 10,000 acres of entitlement to surface fee which may be selected adjacent to the YDNR. The actual acreage in the conveyances is substantially larger than this because the computation of acreage deletes lakes more than 50 acres in size and rivers more than 198 feet in width. Title to these water bodies will also be transferred to the United States if the water bodies are not navigable. The subsurface lands in this lands package are in a very deep sedimentary basin whose geology indicates the potential for hydrocarbon deposits. Thus far, exploration on Calista subsurface lands has been minimal and at relatively shallow depths. If significant hydrocarbon deposits are discovered, however, it would be unlikely that such lands would be available for exchange or acquisition in the future. All of the lands in the exchange are either ranked or underlie surface acreage ranked as having habitat values.

#### IV. Fish and Wildlife Habitat Values

All of the lands, interests in lands and subsurface estates in the exchange located are within the Yukon Delta National Wildlife Refuge in southwestern Alaska. The Calista Region is a sedimentary basin created over the millennia by the flow of the Yukon and Kuskokwim Rivers.

The region is composed of extensive wetlands, marshes, some highlands and mountains, estuaries, streams and riverine areas. Because of the character of the land, it has been for centuries, and is today, a highly productive and principal nesting area for countless thousands of shorebirds, waterfowl, passerines and other wildlife. (See maps following page 4)

Some of the waterfowl and other birds inhabiting this region are:

Spectacled Eider	Golden Eagle	Northern Pintail
Gyrfalcon	Snow Geese	Cackling Canada Goose
Tundra Swans	Peregrine Falcon	Emperor Goose
White-fronted Goose	Gray Cheeked Thrush	Canvasback
Steller's Eider	King Eider	Wilson's Warbler
Bristle thighed Curlew	Black Brant	Arctic Tern
Northern Goshawk	Great Horned Owl	Harlequin Duck
Swainson's Thrush	Blackpoll Warbler	

Additionally, the Calista region is also home to wolves, brown and black bear, moose, caribou, otter, fox and many other species of wildlife, as well as all major species of salmon, grayling, sheefish, rainbow trout, dolly varden, blackfish, pike and four species of white fish.

According to the U.S.F.W.S. the following are a few of the superlatives describing the Yukon Kuskokwim Delta/Calista Region:

- Up to 80% of the world population of Pacific black brant breed or nest on the coastal fringe of the Yukon Kuskokwim Delta Region;
- Virtually the entire breeding population of cackling Canada geese nest in the Region;
- Approximately 90% of the world's population of emperor geese nest in the Region;
- Almost all of the world's population of white-fronted geese nest in the Region;
- Sixty percent of the world's breeding bristle-thighed curlew nest in the Region;
- 100% of the world's black turnstone population inhabit the Region;

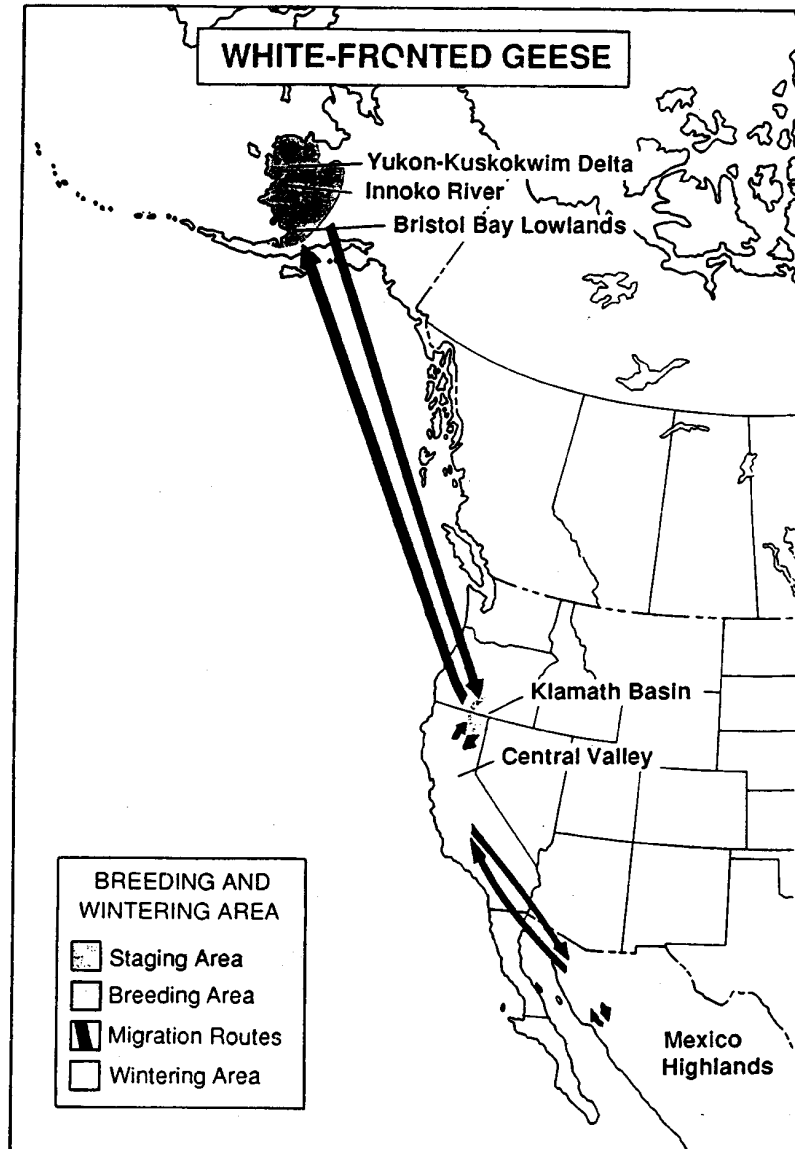
- Nesting by a majority of world's populations of Western Sandpipers and Pacific dunlins;
- Highest diversity of the world's large shorebirds;
- Over 800,000 ducklings, or approximately 50% of the statewide total, were produced from the region;
- Eight species of raptors breed in this region.

**Disclaimer:** The information in this section regarding fish and wildlife habitat values of the Yukon Delta National Wildlife Refuge is intended to provide the reader with an overview of the values attendant to the Refuge itself and is not intended to relate those values specifically to any parcel or parcels in this lands package. Also, the fish and wildlife values discussed in connection with subsurface parcels clearly relate and are intended to relate to the overlying surface estate. For detailed information regarding the birds which inhabit or have been identified as using the lands in specific parcels in this lands package, please refer to the document prepared by Calista, entitled "Background Information on Fish and Wildlife Habitat Resources of the Yukon-Kuskokwim Delta Region and the Calista Native Regional Corporation Land Exchange Parcels" as revised 1997, which is based on information gathered over the years from the Yupik Eskimos who inhabit the Region and other sources.

#### V. Calista Land Package

The following chart lists the land parcels in the package.

Parcel Name	Interest To Be Conveyed	Acreage
Dall Lake	Fee - Surface	12,486
Hamilton	Fee - Surface	7,135
Section 14(h)(8) Entitlement	Fee - Surface & Subsurface	10,000
Hooper Bay	Subsurface	21,190
Scammon Bay	Subsurface	77,512
Kusilvak	Subsurface	63,236
Calista Subsurface on TKC Surface	Subsurface	16,998
Calista Subsurface on NIMA Surface	Subsurface	9,958
TKC	Conservation Easement	16,998
NIMA	Surface	9,958
Calista Subsurface on Hamilton Surface	Subsurface	7,135
Calista Subsurface on Dall Lake Surface	Subsurface	12,486

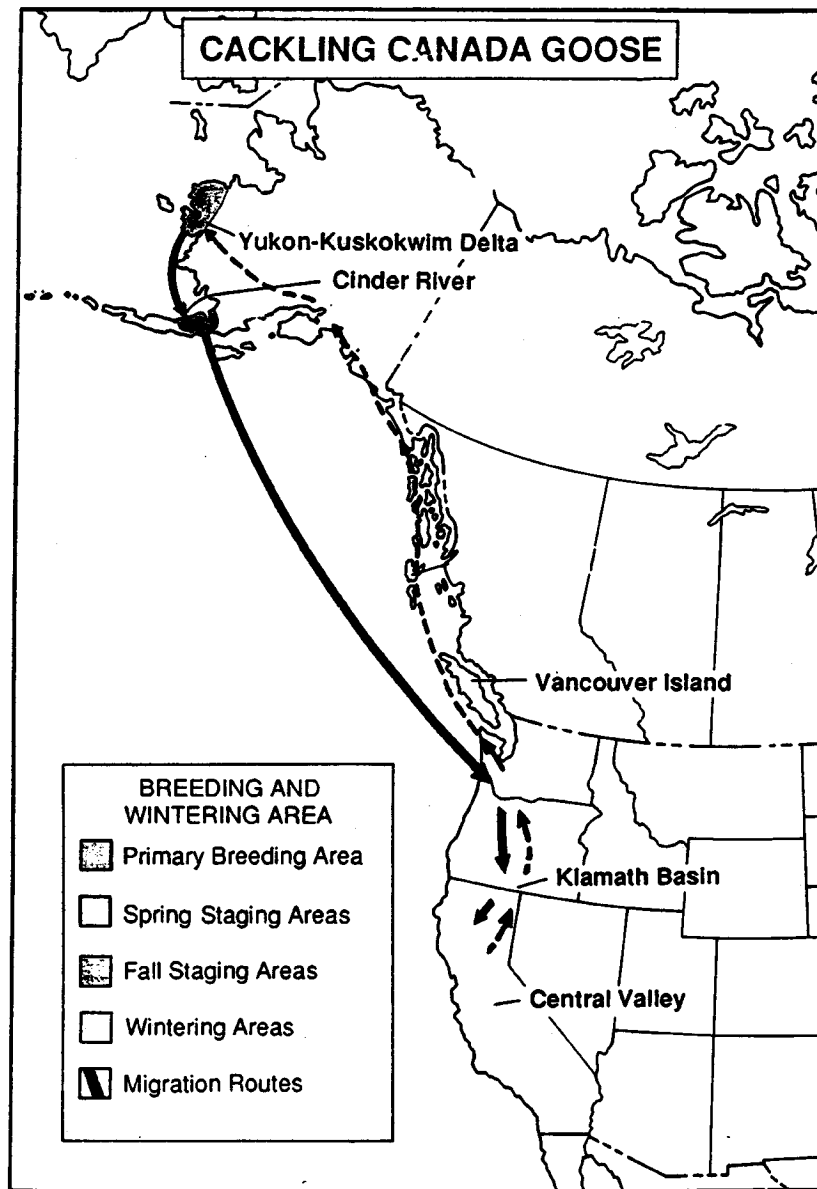


Source: USFWS



Source: USFWS





## VI. Summary

NIMA Lands	Fee - Surface	9,958
Hamilton Lands	Fee - Surface	7,135
TKC Lands	Conservation Easement	16,998
Dall Lake	Fee - Surface	12,486
Total Surface and Conservation Easement		46,577
Calista	Entitlement to Surface Fee	10,000
Calista	Subsurface in Refuge	208,515

## VII. Current Social Conditions

The state of living conditions for most of the Native people of the Calista Region can be difficult for outsiders to comprehend. Many of the basics of life which the rest of America takes for granted -- running water, flush toilets, trash collection, paved roads, neighborhood schools, a doctor in the community, an ambulance in time of medical emergency, the fire department, a regular paycheck from a job, a public library -- barely exist within the region. The following disturbing statistics reflect both causes and symptoms of the problems endemic to the region. The Calista Region has:

- The highest infant mortality rate in the Nation;
- A concentration of the population under the age of five, approximately 14.5%, among the highest in the Nation;
- Rates of hepatitis, meningitis and tuberculosis that are among the highest in the Nation;
- Higher invasive cervical cancer rates than the rest of the population, growing 335% at a time when rates for U.S. whites and blacks decreased over 40%;
- High rates of alcoholism drug abuse and domestic violence;
- Extraordinarily high suicide rates: 10% of all young men will commit or attempt suicide by the age of 25;
- Unemployment rates of between 60% and 90%;
- Inadequate sanitation with limited running water or indoor plumbing facilities;
- The second highest rate of multi-generational housing in Alaska, with 16.4% of the households containing three or more generations per household;

- The highest rate of household overcrowding in Alaska, with nearly 81% of the houses in the Calista Region containing less than 300 square feet;
- The lowest level of education of all Americans, Alaska Natives complete only an average of 9.3 years, compared to 12.5 years for all Americans; and
- Teen pregnancy rates of more than twice the national average.

The Calista land exchange is being pursued by the Calista Corporation as a key element in its efforts to remain a viable Native Regional corporation with the capacity to help effectively address these social and health issues. The exchange will help the Calista Corporation work for improvements in basic community infrastructure and facilities in the region. In the Calista Region, there are, at present, few economic resources other than the fish and wildlife upon which to base the economy. In addition, the exchange has the potential to create business opportunities and expand employment for the Region, thereby providing individuals with greater means to help themselves and their communities.

The Calista Region has never experienced economic booms like other areas of the state. The Calista Region and its residents were left out of the Trans-Alaska pipeline construction boom. The Region was too far away to provide services and village residents had neither the skills nor the trade union membership necessary to get the jobs available during construction of the pipeline. As local economies in other areas of the state grew throughout the 1970's and 1980's, the Calista Region's economy, with the exception of construction, actually declined and local residents became even more dependent on state and federal monies for survival.

Government spending is the single most important component of the Regional economy, as is the case in much of rural Alaska. The stability of the Calista Region's economy has been largely dependent upon outside public funding; consequently the economy is very vulnerable to state or federal budgetary and program adjustments. In 1990, it was estimated that state and federal expenditures accounted for approximately 65% of the total wages earned by the residents of the Calista Region.

The growth of government, trade and services sectors has resulted in more white collar/professional jobs in the Region. However, most men living in the villages are trained as blue collar workers and laborers so the Region has a disproportionately high amount of blue collar labor available for the few labor related jobs available. As a result, new white collar jobs are often filled by outsiders coming into the Region with the necessary skills.

### **VIII. Prehistory of Yukon Delta Region**

The lands of this Region were probably inhabited from at least 10,000 years ago to about 7,000 years ago by people of the Paleo-Arctic Tradition. From about 7,000 years ago to about 4,000 years ago people of the Northern Archaic Tradition lived in the area. This tradition was followed by the Arctic Small Tool Tradition, 4,000 to 3,000 years ago, and by the Norton Tradition, from 3,000 to 1,000 years ago. The archaeological record documents the lengthy human habitation of the area and, more importantly,, the cultural roots of the

Region's contemporary Yupik inhabitation. The cultural ancestors of present-day Western Region Yupik Eskimos were living in and utilizing the subsistence resources of the Region since about A.D. 1000.

While the Refuge has moderate populations of mammals, including small furbearers, moose, caribou, and recently re-established musk-ox, the primary wildlife resource is the enormous populations of ducks, geese, swans, shorebirds, and water birds that nest on the Delta. An estimated 100 million waterfowl, shorebirds, and sea birds representing over 50 species use the Delta for nesting and for resting and feeding during migration. A large percentage of the migrating birds of the Pacific Flyway originate from the Yukon Delta. (See maps in Appendix C).

The importance of the Delta as nesting grounds for North American waterfowl increases yearly as productive prairie pothole nesting habitats in the United States and Canada are drained for agriculture or are lost to drought.

#### **IX. Land Transaction Accounting**

The accounting, and, to the extent necessary, the establishment of a property account required by subsection (c) of Section 8126 of P.L. 102-172, upon relinquishment and conveyance by Calista (and where relevant, The Hamilton Corporation, The Kuskokwim Corporation, or NIMA Corporation) of the lands and interests in lands in this document shall be based on and credited with, respectively, a total amount of \$39.4 million for the lands and interests in lands referenced in this document. For purposes of Section 7(i) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(i)), "Revenues" are only those realized in excess of \$20 million from the compensation received by Calista under Section 8126 subsection (b)(1) as amended for subsurface estate listed in the Calista Conveyance and Relinquishment Document.

#### **X. Description of the Lands, Interest in Lands and Entitlements to Land to Be Conveyed**

**Hamilton/Yukon Delta Area - 7,135 acres**

##### **Location**

The Hamilton parcel is located near the delta complex at the mouth of the Yukon River between Apoon Pass and Nanvaranak Slough. It is approximately 20 miles south of Norton Sound.

##### **General Description**

The Hamilton parcel consists of 7135 acres of combined surface and subsurface estate. The lands are part of the wet muskeg coastal plain with slough, lake and pond habitats. Several small sloughs head in the parcel and dozens of small lakes and ponds and their adjacent marshes and wetlands are scattered throughout the parcel. Most of the land is less than 20 feet above sea level and the dwarf tundra vegetation is underlain by sand and

silty flood plain material. The southern part of the parcel contains some areas of deciduous shrub land and has more extensive grassy marshlands and riverine habitats. The parcel is five miles south of the Yukon River Delta unit of the historic Clarence Rhode Wildlife Range and the abandoned Village of Hamilton.

#### **Refuge Values of the Surface**

The chief habitat and wildlife value of the parcel is waterfowl nesting. The parcel is contiguous to coastal plain habitat to the north and west, and is used by geese, swans, sandhill cranes, ducks, loons, and numerous shorebirds, including curlews, sandpipers, and plovers. Maps of species distribution by density blocks, produced by U.S. Fish and Wildlife, show the area to have medium range densities for pintail ducks, scaup, and tundra swans: one to four birds per square mile, and up to one per square mile densities for Canada geese, Arctic loons, and sandhill cranes. Other nesting birds include white-fronted geese, scoters, shovellers, and mallards. Shorebirds of several species are common to abundant. Whitefish, sheefish (inconnu), and northern pike are common in the sloughs and larger lakes. Furbearers such as mink, otter, muskrat, beaver, Arctic and red fox are abundant, but large mammals are rare due to the lack of protective cover. The land has been assigned a medium priority rank in the Alaska Priority System.

#### **Hamilton Subsurface**

The subsurface beneath the Hamilton surface lands is part of the Yukon Delta/Norton Sound Sedimentary Basin. Calista leased the Yukon Delta subsurface lands to Amoco Exploration in 1978. These lands have also had several generations of seismic survey work since the early 1970's and the area continues to receive oil industry attention.

#### **HAMILTON PARCEL**

(Nunapiglluraq Corporation And Calista Corporation Lands)

Nunapiglluraq Corporation (for the village of Hamilton) will convey to the United States of America the surface estate for the following described lands that it received in Interim Conveyance No. 562, dated October 28, 1982. Calista Corporation will convey to the United States of America the subsurface estate for the following described lands that it received in Interim Conveyance No. 563, dated October 28, 1982. Nunapiglluraq Corporation entitlement to lands under Section 12 (a) and Calista Corporation rights under Section 14(f) of ANCSA will be reduced by the acreage specified in the below described legal description.

#### **Hamilton Parcel Land Description** Seward Meridian, Alaska, (Unsurveyed)

**T. 31 N., R. 77 W.**  
Secs. 29 and 30.

Containing approximately 735 acres.

T. 31 N., R. 78 W.  
 Secs. 1 and 2;  
 Secs. 11 through 14;  
 Secs. 23, 24, and 25.

Containing approximately 5,440 acres.

T. 32 N., R. 78 W.  
 Sec. 35, S1/2;  
 Sec. 36.

Containing approximately 960 acres.

Aggregating approximately 7,135 acres.

#### **DALL LAKE AREA - 12,486 acres**

##### **Location**

The Dall Lake parcel is located along the southeastern border of Dall Lake southeast of Bethel, Alaska, about 30 miles from the Bering Sea waters of Etolin Strait. It borders the eastern boundary of the Nelson Island unit of the Clarence Rhode National Wildlife Range.

##### **General Description**

The Dall Lake parcel is a surface and subsurface selection of approximately 12,486 acres. This parcel consists of low elevation wetlands dotted with innumerable lakes and ponds along the southeastern border of Dall Lake, an extremely large inland lake covering more than 150 square miles. Wet muskeg tundra vegetation and lake margins characterize the habitat at Dall Lake.

##### **Refuge Values of the Surface**

The Dall Lake parcel lies within the Yukon-Kuskokwim lowlands unit of the Yukon Delta NWR. This unit is largely wetlands, habitat for a diversity of fish and wildlife including geese, ducks, swans, shorebirds, moose, caribou, many species of fur bearers, ptarmigan, and many other bird and mammal species.

The area is an important producer of ducks and is significant as a staging area for thousands of snow geese migrating to and from their nesting grounds on Wrangell Island in the Soviet Far East. US Fish & Wildlife Service has indicated high scaup nesting densities of four to 12 birds per square mile, and pintail and scoter densities of one to four per square mile in the area. Also occurring at densities of one to four birds per square mile

aerial surveys within the parcel area were red-throated loons, white-fronted geese, oldsquaw ducks, and mallards. Both shorebirds and ptarmigan are common in the area.

Approximately 30 musk oxen use the Dall Lake area year around. These musk oxen are part of the growing 100-head mainland herd established on Nelson Island which is currently expanding its range to inland parts of the refuge. Fur bearers such as mink, otter, muskrat, and red fox are common in the Dall Lake area and are important subsistence resources. The lakes and waterways contain resident Arctic char, whitefish, northern pike, cisco, and burbot, all used by villagers for subsistence. The land has been assigned a high priority in the Alaska Priority System.

#### **Subsurface Values**

The subsurface beneath the Dall Lake surface lands is in the central portion of the Bethel/Kuskokwim Delta Sedimentary Basin. Calista leased the Bethel Basin lands to Shell Exploration in 1974. Like the Yukon Delta area, these lands have had several generations of seismic survey work since the early 1970's and the area continues to receive oil industry attention. In 1962 a single test well was placed on the flank of what is now defined as the Bethel Basin. In the future it is likely that this sedimentary basin, which is nearly the size of Oklahoma, will receive more exploration.

#### **DALL LAKE PARCEL (Nima Corporation And Calista Corporation Lands)**

The legal description below describes lands validly selected by NIMA Corporation (for the village of Mekoryuk) under Section 12(a) of ANCSA. NIMA Corporation will file an irrevocable prioritization with the Bureau of Land Management for all the lands described below. NIMA Corporation will relinquish any and all selections pursuant to Section 12(a) and 12(b) of ANCSA for the below described lands. NIMA Corporation entitlement to lands under Section 12(a) of ANCSA will be reduced by the acreage specified in the below described legal description. Upon filing of the irrevocable prioritization and relinquishment by NIMA Corporation, rights to the subsurface estate in the lands described below, which would accrue to Calista Corporation pursuant to Section 14(f) of ANCSA, are extinguished and Calista Corporation will not be entitled to substitute lands elsewhere by virtue of the extinguishment. Additionally Calista Corporation shall file a relinquishment to the in-lieu selections under Serial Number AA-8099-1 top filed on any lands described below that are identified for sale to the United States of America. Calista Corporation rights under Section 14(f) of ANCSA will be reduced by the acreage specified in the below described legal description.

**Dall Lake Parcel Land Description**  
Seward Meridian, Alaska Unsurveyed

**T. 1 N., R. 82 W.**  
Secs. 23 through 36.

Containing approximately 7,716 acres.

**T. 1 N., R. 83 W.**  
Sec. 25;  
Secs. 26 and 27, excluding U.S. Survey 10449;  
Sec. 28;  
Secs. 33 through 36.

Containing approximately 4,770 acres.

Aggregating approximately 12,486 acres.

**NIMA AREA - 9,958 acres**

**Location**

The NIMA parcel adjoins the Dall Lake parcel on its northern border. It is located near the southeastern shore of Dall Lake, southeast of Bethel, Alaska, about 30 miles from the Bering Sea waters of Etolin Strait.

**General Description**

The NIMA parcel is a surface and subsurface conveyance of approximately 9,958 acres. This parcel consists of low elevation wetlands and lakes and ponds near the southeastern shore of Dall Lake, an extremely large inland lake covering more than 150 square miles. Wet muskeg tundra vegetation and lake margins characterize the habitat at Dall Lake.

**Refuge Values of the Surface**

The NIMA parcel has the same habitat and subsurface attributes as the Dall Lake parcel, with which it is contiguous. Therefore, the Refuge and Subsurface values are the same as for the adjoining Dall Lake parcel.



**NIMA PARCEL**  
**(Nima Corporation And Calista Corporation Lands)**

NIMA Corporation (for the village of Mekoryuk) will convey to the United States of America the surface estate for the following described lands that it received in Interim Conveyance No. 453, dated November 20, 1981. Calista Corporation will convey the subsurface estate to the United States of America for the following described lands that it received in Interim Conveyance No. 454, dated November 20, 1981. Additionally Calista Corporation shall file a relinquishment to the in-lieu selections under Serial Number AA-8099-1 top filed on any lands described below that are identified for sale to the United States of America. NIMA Corporation entitlement to lands under Section 12(a) and Calista Corporation rights under Section 14(f) of ANCSA will be reduced by the acreage specified in the below described legal description.

**NIMA Parcel Land Description**  
**Seward Meridian, Alaska, (Unsurveyed)**

**T. 1 N., R. 82 W.**  
**Secs. 1 through 22.**

Containing approximately 9,958 acres.

Aggregating approximately 9,958 acres.

**HOOPER BAY AREA - 21,190 acres**

**Location**

The Hooper Bay parcel is located on Dall Point; Kokechik Bay is on the north, Hooper Bay on the south, and the Bering Sea to the west. It is adjacent to the Clarence Rhode National Wildlife Range unit of the Yukon Delta National Wildlife Refuge on its eastern border.

**General Description**

The Hooper Bay parcel consists of subsurface estate. The surface is owned by Sea Lion Corporation and is not part of this conveyance. The parcel's habitat is coastal plain with innumerable small ponds and lakes and several small sloughs. Most of the parcel is below 50 feet in elevation. Longshore sand spits form northern and southern extensions of the land, and dunes form Dall Point itself. The village of Hooper Bay is located at the mouth of Napareayak Slough on Hooper Bay.

### Refuge Values of the Surface

The Kokechik Bay frontage with some of the highest value habitat rankings on the Yukon Wildlife Delta. These lands are biologically productive, tide-influenced marshlands critical to the Arctic nesting geese species. High densities of nesting emperor, whitefronted, and cackling Canada geese utilize this rich marshland, and it is also important for nesting swans, cranes, ducks, loons and abundant numbers of several species of shorebirds. Northern pintails in the coastal zone occur at three times the density that they occur in the interior delta, averaging four to 12 per square mile in F&WS aerial surveys. Scaup also occur at these densities and other ducks such as oldsquaw, spectacled and common eider, scoters, shovellers, and mallards also utilize the habitat. The mudflats and sand spits in both bays are vital feeding and staging areas for vast numbers of migrating waterfowl and shorebirds.

### Subsurface Values

These lands have been subject to oil and gas leases twice in the recent past. The geology is permissive of several mineral deposit types; however, there are no known occurrences of minerals in this poorly explored Region.

### **HOOPER BAY PARCEL** (Calista Corporation Lands)

Calista Corporation will convey the subsurface estate to the United States of America for the following described lands that it received in Interim Conveyances Nos. 511, dated May 28, 1982, and 579, dated December 22, 1982. The surface estate of these lands is being retained by Sea Lion Corporation (for the village of Hooper Bay). Calista Corporation rights under Section 14(f) of ANSCA will be reduced by the acreage specified in the below described legal description. The surface acreage charged against Sea Lion Corporation 12(a) entitlement will not be affected.

### Hooper Bay Parcel Land Description

Seward Meridian, Alaska (Unsurveyed)

#### T. 17 N., R. 93 W

Secs. 1 through 4;

Secs. 5 and 8;

Secs. 9 through 12;

Sec. 13 excluding F-14703 Parcel C;

Secs. 14 through 18;

Secs. 20 through 23;

Sec. 24, excluding F-14703 Parcel C.

Containing approximately 12,155 acres.

**T. 18 N., R. 93 W.**

Secs. 4 and 9;

Secs. 11 through 16;

Secs. 21 and 22;

Secs. 23 through 28;

Secs. 33 through 36.

Containing approximately 9,035 acres.

Aggregating approximately 21,190 acres.

**SCAMMON BAY AREA- 77,512 Acres****Location**

The Scammon Bay parcel is located on the Bering Sea coast at Scammon Bay on the Yukon-Kuskokwim Delta.

**General Description**

The Scammon Bay parcel is a large tract (25 miles long by up to 12 miles across) of subsurface estate, whose surface estate is privately owned by Askinuk Corporation, the Native corporation of Scammon Bay village, is not involved in this conveyance. The parcel includes 77,512 acres of conveyed subsurface estate and remaining subsurface entitlements at Scammon Bay. The parcel includes about 20 miles of Bering Sea coastline.

The surface overlying this subsurface parcel consists of several distinct habitats. There is a prominent, rocky, mountainous upland to the south which is used by upland ground-nesting birds such as ptarmigan, rock sandpipers, golden and semi-palmated plovers, short-eared owls, and jaegers. Steep rocky bluffs, fast, clear streams, and small sheltered bays characterize the parcel's 14 miles of Bering Sea shoreline on the southern shore of the bay. The mountains rise to an elevation of 1,465 feet within the parcel. The intrusive volcanic rock that forms the mountains is useful as quarry material and is currently being extracted for an airport improvement project at the village of Scammon Bay. The southern border of the parcel is adjacent to the Kokechik Bay/Paimuit unit of the Clarence Rhode Unit of the YDNWR which has some of the most significant habitat values on the Yukon-Kuskokwim Delta National Wildlife Refuge due to its intensive use by Arctic nesting geese species.

To the north, the overlying habitat is a flat coastal plain utilized by Arctic nesting geese such as the endangered white-fronted geese, emperor geese and cackling Canada geese. The coastal plain is dissected by the large, shallow meanders of the Kun River and several smaller tributaries including the Kikneak and Ear Rivers. Habitats includes tidal

sloughs and estuaries, beach ridges and swales, lake and pond shores, and sedge meadows important to nesting and brood-rearing.

#### **Refuge Values of the Surface**

The Scammon Bay parcel underlies Native land in the delta coastal plain unit of the Yukon Delta NWR. The dominant feature of this unit is vast wetlands characterized by thousands of thaw lakes and ponds underlain by permafrost. The freeze-thaw cycle coupled with regular tidal and riverine flooding maintain a herbaceous wetland that is excellent waterfowl habitat. It is considered the best goose-brant nesting area in North America. Historically, one half of the continental populations of brant nested on the coastal fringe, as do nearly the entire populations of cackling Canada and emperor geese. Most of the Pacific flyway population of white-fronted geese also nest here. In addition to cackling Canada geese, two other subspecies of Canada geese--both Taverner's and lesser Canada geese--are also found within this unit. The three subspecies appear to favor slightly different zones with cacklers nesting in a ten mile wide band closest to the sea, Taverner's moving inland slightly, and lesser Canada's somewhat more inland.

These zones, however, do overlap. The area is also considered part of the largest and most important shorebird habitat in the Pacific Flyway. It is the largest single expanse of intertidal habitat in North or South America, and provides the major breeding grounds for North American populations of black turnstone, dunlin, western sandpiper, rock sandpiper, and bar-tailed godwit, as well as being an important staging area for bristle-thighed curlews.

The periodic flooding of the tidal marshes of the coastal plain creates a rich food source for nesting and rearing young and contributes to goose, swan, and crane densities of one to 12 per square mile, with heaviest nesting densities along the coast (US Fish & Wildlife aerial surveys). Pintail and scaup (four to 12 per square mile), scoter (one to four per square mile), oldsquaw, spectacled eiders, loons (up to 12 per square mile), and shorebirds also nest on the coastal plain. Mink, otter, muskrat, beaver, and Arctic and red fox are common to abundant. The land has been assigned a high priority rank in the Alaska Priority System.

#### **Subsurface Values**

These lands have been subject to oil and gas leases twice in the recent past. The geology is permissive of several mineral deposit types; however, little is known of the occurrence of minerals in this poorly explored Region. The known current value of the subsurface estate in the Scammon Bay area is based to a large extent on the ready supply of sand, gravel and rock. This area is the only local source for these materials in a Region where such materials are scarce and costly.

**SCAMMON BAY PARCEL**  
**(Calista Corporation Lands)**

Calista Corporation will convey the subsurface estate to the United States of America for the following described lands that it received in Interim Conveyances Nos. 573, dated November 19, 1982, and 959, dated September 28, 1984. The surface estate of these lands is being retained by Askinuk Corporation (for the village of Scammon Bay). Calista Corporation rights to lands under Section 14(f) of ANCSA will be reduced by the acreage specified in the below described legal description. The surface acreage charged against Askinuk Corporation 12(a) entitlement will not be affected.

**Scammon Bay Parcel Land Description**

**Seward Meridian, Alaska (Unsurveyed)**

**T. 20 N., R. 88 W.**

Secs. 5 through 8;  
 Sec. 18, excluding F-19228 Parcel A and F-19234;  
 Sec. 19, excluding F-19234;  
 Sec. 20;  
 Secs. 26 and 27;  
 Sec. 28, excluding F-15947;  
 Sec. 29, excluding F-15947;  
 Sec. 30;  
 Sec. 35.

Containing approximately 6,685 acres.

**T. 21 N., R. 88 W.**

Secs. 9 through 16;  
 Secs. 21 through 31;  
 Sec. 32, excluding F-19043 Parcel B;  
 Sec. 33, excluding F-19229 Parcel A;  
 Secs. 34, 35, and 36.

Containing approximately 14,757 acres.

**T. 20 N., R. 89 W.**

Secs. 1 and 2;  
 Sec. 3, excluding F-18977 Parcel B;  
 Sec. 4, excluding F-18977 Parcel B and F-19229 Parcel A;  
 Secs. 5 and 6;  
 Secs. 7 and 8, excluding F-19233;  
 Sec. 9;

Sec. 10, excluding F-19045;  
 Secs. 11 and 12;  
 Sec. 13, excluding F-19234;  
 Sec. 14, excluding F-19043 Parcel A and F-19241;  
 Sec. 15, excluding F-19043 Parcel A, F-19045, and F-19241;  
 Sec. 16;  
 Secs. 17 and 18, excluding F-19233;  
 Secs. 19, 20, and 21;  
 Secs. 22 and 23, excluding F-19241;  
 Sec. 24, excluding F-19234;  
 Secs. 25 through 28;  
 Sec. 29, excluding F-19231 Parcel B;  
 Secs. 30, 31, and 32.

Containing approximately 17,259 acres.

T. 21 N., R. 89 W.

Secs. 5 through 10;  
 Secs. 15 through 23;  
 Secs. 25 through 30;  
 Secs. 32 through 36.

Containing approximately 14,616 acres.

T. 20 N., R. 90 W.

Secs. 1 through 4;  
 Secs. 11 through 30;  
 Sec. 31, excluding F-14759 Parcel C;  
 Secs. 32 through 36.

Containing approximately 18,232 acres.

T. 20 N., R. 91 W.

Sec. 11, excluding F-19041 and F-19223 Parcel B;  
 Secs. 12 and 13;  
 Sec. 14, excluding F-19041 and F-19223 Parcel B;  
 Sec. 15, excluding F-19223 Parcel B;  
 Sec. 16, excluding F-19039 Parcel B;  
 Secs. 17 through 20;  
 Sec. 21, excluding F-15023 Parcel A and F-19224;  
 Sec. 22, excluding F-19224.

Containing approximately 4,573 acres.

T. 20 N., R. 92 W.

Sec. 13, excluding F-19033 Parcel A, F-19044 Parcel B;

Sec. 14, excluding F-19039 Parcel A, F-19056 Parcel A, and F-19221 Parcel B;  
Secs. 23 and 24.

Containing approximately 1,390 acres.

Aggregating approximately 77,512 acres.

Any and all remaining rights that would accrue to Calista Corporation pursuant to Section 14(f) of ANCSA beneath land conveyed to Askinuk Corporation pursuant to Section 12(a) of ANCSA are hereby extinguished and no substitute subsurface will be conveyed to Calista Corporation. Any rights pursuant to Section 12(a)(1) of ANCSA accruing to Calista Corporation by virtue of any conveyance to Askinuk Corporation within the boundaries of the Clarence Rhode Unit of the Yukon Delta National Wildlife Refuge are unaffected.

**KUSILVAK AREA - 63,236 acres****Location**

The Kusilvak parcel is located on the Black River several miles west of the Kusilvak Mountains and approximately twenty miles from the Bering Sea.

**General Description**

This parcel is a subsurface estate and subsurface entitlement of 63,236 acres. It includes 41,688 acres of conveyed subsurface estate and 21,548 acres of remaining subsurface entitlements. The surface estate is owned by Sea Lion Corporation and is not part of the lands to be conveyed. The Black River, a major waterway, runs for about 15 miles through the parcel. The parcel is characterized by coastal lowlands and river flood plains with many large lakes and innumerable small lakes and ponds. The Black River has formed numerous sloughs, oxbows, and cutoff channels.

**Refuge Values of the Surface**

The Kusilvak parcel underlies Native lands whose chief habitat and wildlife value is waterfowl nesting. The Native lands are used by Canada geese, swans, loons, cranes, and many species of ducks, as well as shorebirds. Population densities of northern pintails and tundra swans have been mapped at 4 to 12 per square mile based on USF&W aerial surveys. Canada geese, scaup, scoter, cranes, and loons are common. Whitefish, sheefish (inconnu), and northern pike are important resources of the Black River and are heavily used for subsistence by nearby villages. Fur bearers such as mink, otter, Arctic and red fox are abundant in the parcel. There is moderate potential for summer and winter range for the expanding mainland musk-ox herd, which is occasionally seen in the southern part of the parcel.

**Subsurface Values**

These lands have been subject to oil and gas leases twice in the recent past. The geology is permissive of several mineral deposit types however there is little known about mineralization in this poorly explored Region. The current known value of the subsurface in the Kusilvak area is based to a large extent on the ready supply of sand, gravel and rock.

**KUSILVAK PARCEL**  
**(Calista Corporation Lands)**

Calista Corporation will convey the subsurface estate to the United States of America for the following described lands that it received in Interim Conveyance No. 511, dated May 28, 1982. The surface estate of these lands is being retained by Sea Lion Corporation (for the village of Hooper Bay). Calista Corporation rights under Section 14(f) of ANCSA will be reduced by the acreage specified in the below described legal description. The surface acreage charged against Sea Lion Corporation 12(a) entitlement will not be affected.

**Kusilvak Parcel Land Description**

Seward Meridian, Alaska (Unsurveyed)

T. 21 N., R. 84 W.  
 Sec. 6.

Containing approximately 525 acres.

T. 22 N., R. 84 W.  
 Sec. 31.

Containing approximately 508 acres.

T. 21 N., R. 85 W.  
 Secs. 2 through 7;  
 Sec. 18.

Containing approximately 4,231 acres.

Secs. 3 through 10;  
 Secs. 15 through 22;  
 Secs. 27 through 36.

Containing approximately 14,577 acres.

T. 23 N., R. 85 W.  
 Secs. 30, 31, and 32.

Containing approximately 1,623 acres.



T. 21 N., R. 86 W.

Sec. 4;  
Sec. 5, excluding F-19237;  
Sec. 6, excluding F-19238 Parcel A;  
Secs. 13 and 14.

Containing approximately 2,185 acres.

T. 22 N., R. 86 W.

Secs. 19 through 25;  
Secs. 28 through 31;  
Sec. 32, excluding F-19237;  
Secs. 33 and 36.

Containing approximately 7,574 acres.

T. 23 N., R. 86 W.

Secs. 11 through 15;  
Secs. 21 through 26;  
Sec. 27, excluding F-18428 Parcel A;  
Sec. 28, excluding F-18428 Parcel A;  
Sec. 29;  
Secs. 32 through 36.

Containing approximately 10,465 acres.

Aggregating approximately 41,688 acres.

The following described lands include approximately 73,524 acres which have been validly selected by Sea Lion Corporation (for the village of Hooper Bay) under Section 12(a) of ANCSA. Sea Lion Corporation has a remaining Section 12(a) entitlement of approximately 32,289 acres. Using a portion of its remaining Section 12(a) entitlement, Sea Lion Corporation will file an irrevocable prioritization with the Bureau of Land Management for approximately 21,548 acres consistent with ANCSA selection limitations at 43 CFR 2651.4 from the lands described below. Upon filing of the irrevocable prioritization, rights to the subsurface estate which would accrue to Calista Corporation pursuant to Section 14(f) of the ANCSA are extinguished and no conveyance of the subsurface estate will occur. Calista Corporation rights under Section 14(f) of ANCSA will be reduced by the 21,548 acres specified above. At such time as the prioritized surface is patented to Sea Lion Corporation, the surveyed acreage will be charged against Sea Lion Corporation Section 12(a) ANCSA entitlement.

Seward Meridian, Alaska (Unsurveyed)

T. 21 N., R. 83 W.

Sec. 3;  
Secs. 6 through 10;  
Secs. 15 through 18.

Containing approximately 5,616 acres.

T. 22 N., R. 83 W.  
Secs. 6 and 7.

Containing approximately 1,240 acres.

T. 21 N., R. 84 W.

Sec. 1;  
Sec. 2, excluding F-18345 Parcel B;  
Sec. 3, excluding F-16760 Parcel B and F-18345 Parcel A;  
Sec. 4, excluding F-16760 Parcel B;  
Sec. 5;  
Secs. 7, 8, and 9;  
Sec. 10, excluding F-18394 Parcel C and F-18345 Parcel A;  
Secs. 11 through 15;  
Sec. 24.

Containing approximately 8,142 acres.

T. 22 N., R. 84 W.

Secs. 1 and 2;  
Secs. 11 and 12;  
Sec. 14;  
Sec. 19;  
Sec. 23;  
Sec. 26, excluding F-18566 Parcel B;  
Secs. 27 through 30;  
Sec. 32;  
Secs. 33 and 34, excluding F-16760 Parcel B;  
Sec. 35;  
Sec. 36, excluding F-16922 Parcel B.

Containing approximately 9,681 acres.

T. 20 N., R. 85 W.

Secs. 5 through 9;  
Secs. 16 and 17;  
Secs. 20 and 21.

Containing approximately 4,873 acres.

T. 21 N., R. 85 W.

Sec. 1;  
Secs. 8 through 12;  
Sec. 16;  
Sec. 17, excluding F-18394 Parcel B;  
Secs. 20 and 21;  
Secs. 27, 28, and 29;  
Secs. 33, 34, and 35.

Containing approximately 9,035 acres.

T. 22 N., R. 85 W.  
Secs. 23 through 26.

Containing approximately 1,715 acres.

T. 20 N., R. 86 W.  
Sec. 1, excluding F-16922 Parcel A;  
Sec. 2;  
Sec. 12.

Containing approximately 1,845 acres.

T. 21 N., R. 86 W.  
Secs. 1, 2, and 3;  
Secs. 7 through 12;  
Secs. 15 through 23;  
Secs. 26, 27, and 28;  
Sec. 29, excluding F-18798 Parcel A;  
Secs. 30 and 31;  
Sec. 32, excluding F-18976 Parcel B;  
Secs. 33, 34, and 35.  
Containing approximately 14,172 acres.

T. 20 N., R. 87 W.  
Secs. 2 through 11;  
Secs. 14, 15, and 16;  
Secs. 17 and 18, excluding F-14705 Parcel B;  
Secs. 19 through 23;  
Sec. 25;  
Sec. 26, excluding F-19226;  
Sec. 27, excluding F-19226 and F-19227;  
Sec. 28, excluding F-19227;  
Secs. 29 through 32;  
Sec. 33, excluding F-19227;  
Sec. 34, excluding F-19226 and F-19227;  
Sec. 35, excluding F-19226;  
Sec. 36.

Containing approximately 17,205 acres.

Aggregating approximately 73,524 acres.

**KUSKOKWIM AREA - 16,998 Acres**

**Location**

This tract is located west and southwest of Whitefish Lake, which is west of Aniak, Alaska.

### General Description.

This tract consists of open tundra with abundant lakes and ponds. The tract includes a conservation easement on the surface estate, which is owned by the Kuskokwim Corporation, a village corporation, and Calista Corporation's subsurface estate in the corresponding acreage.

### Refuge Values of the Surface

The Whitefish Lake area is generally upland tundra with some associated wetland habitat. This a staging area for waterfowl in the spring and fall. Unlike much of the delta, black spruce stands grow on this parcel, which harbors passerines, raptors, owls, and eagles. The area provides habitat for populations of moose and brown and black bear. The Mulchatna caribou herd winters near Whitefish Lake. White fronted and Canada geese visit the area, as well as several species of puddle and diving ducks, including canvas back, scoter, and scaup. Fur-bearers including mink, fox, and wolves utilize the area. The land has been assigned a medium to low priority rank in the U.S.F.W.S. Refuge Priority System.

### Subsurface Values

Whitefish Lake is at the eastern end of the Bethel Basin, which is prospective for hydrocarbons. There are reports of gas seeps at Whitefish Lake. The area lies just west of the mouth of the gold placer bearing Ophir Creek, where active mining claims exist.

### **KUSKOKWIM TRACT**

(The Kuskokwim Corporation and Calista Corporation Lands)

The Kuskokwim Corporation (successor in interest to Lower Kalskag, Incorporated) will convey a conservation easement to the United States of America (Appendix A hereto) on the surface estate of the following described lands that it received in Interim Conveyance No. 745, date September 30, 1983. Calista Corporation will convey to the United State of America the subsurface estate to the following described lands that it received in Interim Conveyance No. 746, dated September 30, 1983. The Kuskokwim Corporation entitlement to lands under Section 12(a) and Calista Corporation rights under Section 14(f) of ANCSA will be reduced by the acreage specified in the below described legal description.

### Kuskokwim Parcel Land Description

Seward Meridian, Alaska (Unsurveyed)

T. 14 N., R. 60 W.

Sec. 7;

Secs. 8 and 9, excluding USS 10010;

Secs. 16 through 21.

Containing approximately 5,130 acres.

Seward Meridian, Alaska (Surveyed)

T. 14 N., R. 61 W.

Secs. 1 and 2;  
 Sec. 11, excluding Lots 1 and 2 of USS 10063;  
 Sec. 12, excluding Lot 2 of USS 10063;  
 Sec. 13;  
 Sec. 14, excluding Lot 3 of USS 10063;  
 Sec. 23, excluding Lot 4 of USS 10063;  
 Sec. 24.

Containing approximately 4,473 acres.

T. 15 N., R. 61 W.

Secs. 1 and 2, excluding USS 10002;  
 Sec. 3;  
 Secs. 11 and 12, excluding USS 10002;  
 Sec. 13, excluding Lot 2 of USS 10013;  
 Sec. 14;  
 Sec. 23;  
 Sec. 24, excluding Lot 2 of USS 10013;  
 Secs. 25 and 26;  
 Secs. 35 and 36.

Containing approximately 5,625.01 acres.

T. 16 N., R. 61 W.

Secs. 33, 34, and 35.

Containing approximately 1,770 acres.

Aggregating approximately 16,998.01 acres.

**SECTION 14(h)(8) ENTITLEMENT - 10,000 acres**

This entitlement is to surface and subsurface estate and can be selected from Federal lands within the Calista Region. Calista Corporation is currently under-selected under subsection 14(h)(8). It is Calista's position that because this entitlement predates expansion of the Yukon Delta National Wildlife Refuge by ANILCA, Calista retains the right to select in those portions of the Refuge which were not withdrawn prior to ANILCA. The U.S.F.W.S. disagrees and asserts that Section 304 of ANILCA bars the exercise of selection rights within the refuge. Even if the U.S.F.W.S. position is correct, the entitlement could be used to select lands adjacent to the Refuge.

The 14(h)(8) entitlement will be used to select Federal lands which contain prospective oil and gas horizons, potential mineral deposits, or surface estate development potential, such as real estate projects, hydroelectric power, and commercial uses such as fish processing.

Calista is currently leasing several 14(h)(8) tracts to various mineral exploration companies. Federal acceptance of this entitlement will help limit potential adverse impacts on the Refuge.

#### **CALISTA CORPORATION 14(h)(8) ENTITLEMENT**

Calista Corporation agrees to the extinguishment of 10,000 acres of its Section 14(h)(8) entitlement under ANCSA.

Recognizing that the various parcels being conveyed by Nunapiglluraq, NIMA, Kuskokwim, and Calista Corporation, which are described above, have not been surveyed, the Corporations affected shall neither receive any gain nor bear any loss, as a result of any future survey of these lands.

In those instances in which Calista Corporation is conveying the subsurface estate under retained or selected village Corporations surface lands, Calista Corporation agrees that it shall neither receive any gain nor bear any loss, as a result of any future survey of the surface of these lands.

Pursuant to Section 901 of ANILCA, 43 U.S.C. 1631 as amended, the submerged beds of meanderable lakes, rivers, or streams have been estimated using Bureau of Land Management Master Title Plats and will not be charged against the acreage entitlement of ANCSA corporations participating in this legislation. Upon acquisition of uplands which abut or surround nonnavigable lakes, rivers, or streams, title to the lands under said water bodies attributable to the uplands conveyed to the United States shall vest in the United States.

The term in-lieu refers to the right of the Regional Corporation established under Section 12(a)(1) to select the subsurface estate in an equal acreage from outside the boundaries of refuges established prior to ANCSA.

Any lands hereafter conveyed by the United States to any person pursuant to the Alaska Native Allotment Act or Section 905 of ANILCA or any amendment or supplement to either such statute from the lands conveyed or relinquished to the United States pursuant to this contract shall not cause any adjustment in the acreage charged to the entitlement of any of the corporations participating in this contract nor shall any additional entitlement accrue to any of the foregoing corporations by virtue of any such conveyance by the United States.

# APPENDIX A

**Appendix A to the CCRD: TKC Conservation Easement****CONSERVATION EASEMENT**

In partial fulfillment of Section 5, H.R. 2000, this Conservation Easement is made this \_\_\_\_ day of \_\_\_\_\_, 1997, by The Kuskokwim Corporation ("TKC"), whose address is 601 W. 5<sup>th</sup> Avenue, Suite 420, Anchorage, Alaska 99510-4460 ("Grantor") and the United States of America, and its assigns, whose address is c/o U.S. Fish and Wildlife Service, Division of Realty, 1011 E. Tudor Road, Anchorage, Alaska 99503-6199 ("United States") ("Grantee") under the authority of Section 1302(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. § 3192(a)), the Fish and Wildlife Act of 1956 (16 U.S.C. § 742f(b)(1)).

Pursuant to the laws of Alaska, in particular Alaska Statute § 34.17.010 - §34.17.060, the Grantor does hereby grant, transfer and convey to the Grantee, forever, with special warranties of title, subject to conditions, restrictions and limitations of record, including, but not limited to, conditions, restrictions and limitations contained in Interim Conveyance \_\_\_\_ dated \_\_\_\_\_, recorded on \_\_\_\_\_, at page \_\_\_\_\_, in book \_\_\_\_\_, of the records of the \_\_\_\_\_ Recording District, \_\_\_\_\_ Judicial District, State of Alaska, in consideration of the mutual covenants, terms, conditions and restrictions set forth herein, a Conservation Easement in perpetuity over the Protected Property of the nature and character and to the extent hereinafter set forth (the "Easement") as to the lands described as follows:

**PROTECTED PROPERTY**

Seward Meridian, Alaska (Unsurveyed)

**T.14N., R.60W.**

Sec. 7;

Secs. 8 and 9, excluding USS 10010;

Secs. 16 through 21.

Containing approximately 5,130 acres.

Seward Meridian, Alaska (Surveyed)

**T.14N., R.61W.**

Secs. 1 and 2;

Secs. 11, excluding Lots 1 and 2 of USS 10063;

Sec. 12, excluding Lot 2 of USS 10063;

Sec. 13;

Sec. 14, excluding Lot 3 of USS 10063;

Sec. 23, excluding Lot 4 of USS 10063;

Sec. 24.

Containing approximately 4,473 acres.



**T.15N., R.61W.**

Sec. 1 and 2, excluding USS 10002;  
 Sec. 3;  
 Secs. 11 and 12, excluding USS 10002;  
 Sec. 13, excluding Lot 2 of USS 10013;  
 Sec.14;  
 Sec. 23;  
 Sec. 24, excluding Lot 2 of USS 10013;  
 Secs. 25 and 26;  
 Secs. 35 and 36.

Containing approximately 5,625.01 acres.

**T.16N., R.61W.**

Secs. 33, 34, and 35.

Containing approximately 1,770 acres.

**Section 1. Purposes**

It is the purpose of this Easement to ensure that the conservation values of the Protected Property will be maintained in perpetuity and to prevent any use of the Protected Property that will materially impair or interfere with its conservation values and natural resources. Consistent with the specific provisions of this Easement, the Grantor intends that this Easement will confine the use of the Protected Property to such activities as are compatible with the management of the conservation values of the Protected Property as a wildlife refuge according to the National Wildlife Refuge System Administration Act, Alaska National Interest Lands Conservation Act (ANILCA), Endangered Species Act, Bald Eagle Protection Act, Migratory Bird Treaty Act, and other applicable statutes, regulations, and policies and any amendments made to the foregoing Acts.

Furthermore, it is the purpose of this easement to ensure that access and use by all non-commercial users is equivalent to the access and use available on the adjacent Yukon Delta National Wildlife Refuge ("Refuge") lands. These uses will include subsistence and sport hunting, camping, berry picking, hiking, and other uses by any individuals to the same degree they are allowed on the adjacent Refuge lands. The easement reserves to the Grantor all other legal rights and privileges as landowner.

It is the purpose of this Easement to ensure that the Grantor will enjoy all legal rights and privileges which do not unreasonably interfere with or violate the rights and restrictions granted to other users allowed under the terms of this easement.

## **Section 2. Rights of the Grantee**

To accomplish the purposes of this Easement, the following rights are conveyed to the Grantee:

- (a) To enter upon the Protected Property in order to achieve the purposes and enforce the terms of this Easement.
- (b) To prevent any activity on or use of the Protected Property that is inconsistent with the purposes of this Easement and to require those responsible for any damage to the wildlife, habitat, areas or features of the Protected Property to restore such damage.
- (c) To conduct fish, wildlife, and habitat surveys and research by various means and techniques; including but not limited to the use of aircraft, radio telemetry, capture drugs, and establishment of multi-year vegetation plots. The United States agrees, to the maximum extent allowed by law and subject to the availability of funding, to permit TKC to participate in such research, survey, and study activities. If in exercising this right, the United States proposes to do such research by contract, it agrees, to the extent allowed by law and subject to the availability of funding, to provide TKC with notice and an opportunity to respond to proposals.
- (d) To establish, at the Grantee's discretion, seasonal camps for research and management purposes. The camp sites, which may be in different locations each year, shall be selected after consultation with the Grantor.
- (e) To the extent consistent with the rights and privileges reserved herein to TKC, to enforce all applicable State and federal fish, wildlife and National Wildlife Refuge System statutory and regulatory requirements.
- (f) To insure Public Use on the Protected Property lands will be managed in a manner consistent with the adjacent lands within the Yukon Delta National Wildlife Refuge in accordance with management direction outlined in the Refuge management plans.

## **Section 3. Prohibited Uses**

- (a) Consistent with the rights of the Grantee under Section 2 of this Easement, and except as otherwise expressly provided in this Easement, the following listed activities by any person are prohibited on the Protected Property except as determined by the U.S. Fish and Wildlife Service, or its successors in administrative function (the "Service") to be necessary for either refuge or conservation research or management of the Protected Property (whether carried out by the Service, an entity approved by the Service, or its successors in law or interests), or for conveying information to the public to protect public safety or natural resources:

- (i) the construction or placing of buildings, fixed or improved camping accommodations or mobile homes, fences, billboards or signs other than those signs for boundary, trespass, direction or general information;
  - (ii) the operation of all terrain vehicles or other motorized land conveyances determined by the Refuge Manager, Yukon Delta National Wildlife Refuge, or other official designated by the Grantee ("Refuge Manager") to injure the conservation values of the Protected Property, to the extent that operation of such vehicles or conveyances (A) is prohibited on the lands within the Refuge owned in fee by the Grantee and (B) was not historically used on the Protected Property;
  - (iii) the changing of the topography of the Protected Property in any manner except as necessary to enjoy rights otherwise provided by this Easement;
  - (iv) the removal, destruction or cutting of trees or plants except for local subsistence or medicinal uses or as necessary to enjoy rights otherwise provided by this Easement;
  - (v) the use of biocides except as necessary to control or remove non-indigenous fish, wildlife or plants; and
  - (vi) the manipulation or alteration of natural water courses, shores, marshes or other water bodies or activities or uses detrimental to water purity on the Protected Property.
  - (vii) any activities prohibited by the National Wildlife Refuge system laws, regulations, and policies, except as specifically permitted herein.
- (b) Any uses of the Protected Property which are incompatible with the purposes for which the Yukon Delta National Wildlife Refuge is established and managed will be prohibited. The U.S. Fish and Wildlife Service will have the final authority to determine whether any use of the Protected Property is compatible with the purposes for which the Refuge is established and managed.

**Section 4. The Grantor's Retained Rights, Privileges and Responsibilities As Landowner**

The Grantor will enjoy all legal rights and privileges, as Landowner, which have not been specifically conveyed which do not unreasonably interfere with or violate the rights and restrictions granted to the Grantee. The Grantor will be responsible for

ensuring that all of the terms of this Conservation Easement are met and enforced on the Protected Property to the extent permitted by law. The U.S. Fish & Wildlife Service may utilize its available legal authorities to provide law enforcement and trespass control and assistance to TKC in connection with the permitted public access and use under this Easement, subject to the availability of appropriated funds and personnel for such purposes.

a. TKC retains the exclusive right to control all commercial access to and use of the Protected Property. This exclusive right includes the right to conduct, authorize, permit, license, charge use fees, regulate, limit or exclude all commercial operations on or utilizing the Protected Property. TKC shall require commercial operators and users to comply with the terms of the Easement in any authorization or permit issued by TKC. Commercial operations specifically include eco-tourism and commercial guiding for sport hunting, sport fishing, bird-watching, recreation and similar activities. An individual or group shall not be considered a commercial user even though the Individual gains access to the Protected Property by means of a commercial carrier. All commercial operations must comply with applicable State of Alaska licensing requirements and applicable federal regulations for operations.

b. TKC hereby retains for the benefit of its shareholders its rights of access for subsistence uses of the Protected Property including, but not limited to, customary and traditional uses of wild renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade. For the purposes of this section, the term --

(1) "family" means all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis;

(2) "barter" means the exchange of fish and wildlife or their parts, taken for subsistence uses --

(a) for other fish or game or their parts; or

(b) for other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature.

c. TKC retains limited development rights to construct one structure and related facilities at one location within the Protected Property. The location and type of such structure and related facilities shall be determined by mutual agreement of TKC and the United States so as to have no substantial adverse effect on the wildlife habitat and other conservation values of the Protected Property. The United States' agreement with TKC as to such location and type shall not be unreasonably withheld.

d. TKC reserves exclusive ownership, to the extent it has such ownership, of all Alaska Native human remains, cultural artifacts, and sacred objects located on the

**Protected Property.** In addition, TKC retains all rights that may be afforded to it under the Native American Graves Protection and Repatriation Act, the Archaeological Resources Protection Act, the National Indian Forest Resources Management Act, the National Museum of the American Indian Act, the Indian Arts and Crafts Act, the Native American Language Acts, and related laws of the State of Alaska.

e. Neither by entering into this Easement nor by performing in accordance with its terms do the parties intend to affect the loss of any protections that may be afforded to TKC by Section 907 of ANILCA regarding the Alaska Land Bank.

#### **Section 5. Public Access and Use**

The parties hereto agree that the public will be allowed access to the Protected Property for hunting, fishing, and other natural lands based recreational opportunities, and for other purposes, to the same extent permitted by laws, rules, regulations, and policies governing management of the Yukon Delta National Wildlife Refuge. The parties hereto agree that this Conservation Easement allow public use of the Protected Property only to the same extent that it is permitted by the laws, rules, regulations and policies governing management of the Yukon Delta National Wildlife Refuge. This shall include subsistence uses by all those individuals permitted by ANILCA to practice subsistence on adjacent Refuge lands. All public access to or use of the Protected Property shall be in compliance and conformance with TKC's retained landowner rights under the terms of this Easement.

This conveyance is subject to the right of the public for access pursuant to §17(b) of ANCSA, as reserved in conveyances from the United States of America to Grantor or its predecessors in interest pursuant to the Alaska Native Claims Settlement Act, 43 U.S.C. §1601, Interim Conveyance \_\_\_\_\_ dated \_\_\_\_\_, recorded \_\_\_\_\_, at page \_\_\_\_\_, in book \_\_\_\_\_ of the land records of the \_\_\_\_\_ Recording District, \_\_\_\_\_ Judicial District, State of Alaska, and nothing herein shall be deemed to pertain to, or otherwise affect, expand or limit said rights.

#### **Section 6. Acts Beyond the Grantor's Control**

Nothing contained in this Easement shall be construed to entitle the Grantee to bring any action against the Grantor for any injury to or change in the Protected Property resulting from causes beyond the Grantor's control, including, without limitation, natural caused fire, flood, storm, and earth movement, or from any action resulting from a third party's negligence or prudent action taken by the Grantor under emergency conditions to prevent, abate or mitigate significant injury to the Protected Property resulting from such causes. Nothing contained in this Easement shall be construed to limit the obligation under applicable State or federal laws of third parties for injury or damage to the Protected Property or to limit the liability of the Grantor that may exist under other law or regulation.

#### **Section 7. Subsequent Transfers**

The Grantor agrees to incorporate the terms of this Easement in any deed or other legal instrument by which it divests itself of any interest in all or in a portion of the Protected Property, including, without limitation, a leasehold interest. The Grantee may transfer, assign, or delegate any of its rights or responsibilities under this Easement to a third party, but only if the third party is required to and agrees to carry out the purposes of this Easement.

#### **Section 8. Enforcement**

In the event the Grantor or the Grantee becomes aware of an event or circumstance of noncompliance with the terms set forth in Section 3 (Prohibited Uses) of this Easement, that party shall give notice to the other party, their successors or assigns, at their last known post office address, of such event or circumstance of noncompliance. If the event or circumstance of noncompliance has not been corrected within sixty (60) days after the date of mailing of such notice, the injured party will be entitled to institute suits to enjoin any breach or enforce any covenant by temporary or permanent injunction and require that the property be restored promptly to the condition required by this Easement.

Nothing in this Section shall limit any other legal rights or remedies available to the parties. Nothing in this Section limits the rights of the Grantee to enforce the public access provisions contained in Section 5.

The Grantor agrees that these covenants, terms, conditions, and restrictions of this Easement shall run with the lands in perpetuity and shall be binding upon the Grantor, its successors and assigns. The terms of this Easement may be waived or modified only by written agreement of the Grantor and the Grantee.

The Grantor hereby covenants to and with the Grantee and its assigns, that the Grantor is lawfully seized of the surface estate in fee simple of the above granted real property, has a good and lawful right and power to sell and convey the same, that the same is free and clear of encumbrances, except as shown above, and that the Grantor will forever warrant and defend this Easement and the quiet possession in accordance with this Easement, limited to that portion of the chain of title from the moment of conveyance by the United States to Grantor or its predecessors in interest pursuant to the Alaska Native Claims Settlement Act, 43 U.S.C. § 1601 *et. seq.*, to and including the moment at which this Easement is validly conveyed to the Grantee and its assigns, against the lawful claims and demands of all persons.

Nothing herein shall be deemed to cause a merger of the surface and subsurface estates, and nothing herein shall be deemed to pertain to, affect or in any way limit the rights of the subsurface owner to utilize that estate in accordance with applicable law.

The United States shall be responsible for losses, damages, or liabilities arising out of an act or omission of the United States its employees, or its agents to the extent it would normally be responsible for such losses, damages, or liabilities under applicable law.

The captions in this instrument have been inserted solely for convenience of reference and are not part of this instrument and shall have no effect upon construction or interpretation.

TO HAVE AND TO HOLD unto the Grantee, its successors, and assigns forever.

IN WITNESS WHEREOF, Grantor and Grantee have set their hands on the day and year first above written.

Kuskokwim Corporation

By: \_\_\_\_\_,  
\_\_\_\_\_, President

ACKNOWLEDGMENT

STATE OF ALASKA                    )  
   ) ss:  
 THIRD JUDICIAL DISTRICT                    )

THIS IS TO CERTIFY that on the \_\_\_\_\_ day of \_\_\_\_\_, 1997, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared \_\_\_\_\_, President of Kuskokwim Corporation, to me known and known to be the person he represented himself to be, and the same identical person who executed the above and foregoing CONSERVATION EASEMENT on behalf of Kuskokwim Corporation, and who acknowledged to me that he signed the same as President of Kuskokwim Corporation, in the name of and for and on behalf of said Corporation, freely and voluntarily and by authority of its Board of Directors and shareholders for the use and purposes therein mentioned.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

—

NOTARY PUBLIC in and for Alaska

(SEAL)

My Commission Expires: \_\_\_\_\_

ACCEPTANCE

Pursuant to § 1302 of the Act of December 2, 1980, Alaska National Interest Lands Conservation Act, P.L. 96-487 (16 U.S.C. § 3192), the Fish and Wildlife Act of 1956, (16 U.S.C. § 742f(b)(1)), the Grantee hereby accepts this CONSERVATION EASEMENT conveying to the United States and its assigns, those interests in lands described therein.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

By: \_\_\_\_\_

Regional Director, Region 7  
 U.S. Fish and Wildlife Service



**ACKNOWLEDGMENT**

STATE OF ALASKA                    )  
  ) ss:  
THIRD JUDICIAL DISTRICT                    )

THIS IS TO CERTIFY that on the \_\_\_\_\_ day of \_\_\_\_\_, 1997, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared David B. Allen, known to be the Regional Director, Region 7 of the U.S. Fish and Wildlife Service, and he acknowledged to me that he signed as accepting the foregoing CONSERVATION EASEMENT, conveying to the United States those interests in lands described therein, and he acknowledged that he executed the foregoing instrument freely and voluntarily.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

\_\_\_\_\_

(SEAL)

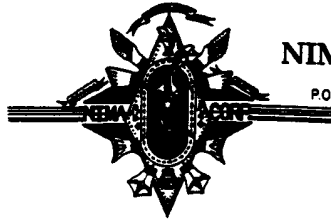
\_\_\_\_\_  
NOTARY PUBLIC in and for Alaska

My Commission Expires: \_\_\_\_\_

**AFTER RECORDING RETURN TO:**  
U.S. Department of the Interior  
Fish and Wildlife Service  
Division of Realty  
1011 E. Tudor Road  
Anchorage, Alaska 99503

**Location Index:**  
Seward Meridian

## **APPENDIX B**



# **NIMA CORPORATION**

NUNIVAK ISLAND  
P.O. BOX 52 MEKORYUK, ALASKA 99630  
(907) 827-8313

# **COPY**

## **NIMA CORPORATION**

### **Resolution 97-050**

WHEREAS, NIMA Corporation is the Surface land owner of 10,000 acres of lands that are positioned along the southeastern shore of Dall Lake, southwest of Bethel, Alaska, about 30 miles from the Bering Sea Waters of Etolin Strait; and

WHEREAS, a portion of NIMA Corporation Land entitlement lies adjacent to certain Federal Lands known as the Yukon Delta National Wildlife Refuge and is administered by the Department of Interior's Fish and Wildlife Service; and

WHEREAS, Calista Corporation is working to secure a land Exchange of certain Native lands they own and certain lands owned by three (3) village corporations between the Federal Government and themselves; and

WHEREAS, the NIMA Corporation land adjacent to the Refuge may be desirable to the Federal agency from the standpoint of increasing the habitat for wildlife and to eliminate the potential for future development of sensitive areas; and

WHEREAS, NIMA Corporation has a chance to receive certain rights to Surplus Federal Property and/or Cash equal to as much as sum in the low seven figures by giving up certain development rights.

NOW THEREFORE BE IT RESOLVED, that the board of directors of NIMA Corporation authorize its Chairman, Jimmy C. Smith, or his designee to work with Calista to negotiate a land trade of its surface estate of lands described above in return for the Right to acquire Federal Surplus Property and/or Cash,

BE IT FURTHER RESOLVED, that NIMA Corporation give authority to its Chairman or his designee to negotiate the agreement so that it complies with this resolution and grants said person to sign such agreement on its behalf so long as the agreement is consistent with corporate land policies.

CHAIRMAN: Jimmy C. Smith

SECRETARY: [Signature]

DATE: 10/11/97

# NUNAPIGLLURAQ CORPORATION

## BOARD OF DIRECTORS RESOLUTION - 09-96

WHEREAS, Nunapiigluraq Corporation entered into a Real Estate Agreement with Calista Corporation on October 6, 1991 in which the Corporation agreed to transfer the surface estate of approximately 8,000 acres of land to either the United States Department of Interior or Calista Corporation; and

WHEREAS, the description of these lands is more fully set out below:

Sections 29 and 30, Township 31 North, Range 77 West; Sections 1, 2, 11, 12, 13, 14, 23, 24, and 25, Township 31 North, Range 78 West; S 1/2 Section 35 and Section 36, Township 32 North, Range 78 West, Seward Meridian, Bethel Recording District, Fourth Judicial District, State of Alaska.

and:

WHEREAS, purchase price was to be not less than \$350.00 per acre; and

WHEREAS, after years of delay and setbacks, the Department of the Interior is prepared to purchase real estate for \$325.00 per acre; and

WHEREAS, Nunapiigluraq believes it unlikely that this offer can be improved upon; and

WHEREAS, Calista's proceeds from the sale will be significantly less than anticipated on account of the exclusion of substantial parcels that were anticipated to be a part of the sale, and

WHEREAS, Calista has indicated that it cannot make up the difference between the purchase price of \$325.00 per acre and the contract price of \$350.00 per acre, and that it would propose to exclude Nunapiigluraq's contracts from the transaction if an amendment to the Agreement cannot be obtained; and

WHEREAS, Nunapiigluraq does not believe that there is any real possibility in obtaining \$350.00 per acre from the United States Department of the Interior or Calista.

Now THEREFORE BE IT RESOLVED that Nunapiigluraq Inc., agrees to accept a purchase price of \$325.00 per acre; and

BE IT FURTHER RESOLVED that paragraph 2 of the Real Estate Agreement, Purchase Price be amended to read \$325.00 per acre, instead of \$350.00 per acre

September 27, 1996  
DATED

Willa Kankoff  
PRESIDENT, MUNAPICILLUAG CORP.

ATTENT:

George A. E. Williams  
Secretary  
Secretary

SEP-27-1996 14:39

9278894466

TOTAL P. 84  
P. 84

TOTAL P. 83

**THE Kuskokwim Corporation  
PO Box 104460  
Anchorage, AK. 99510**

**Resolution No. 96-11**

**Land Trades of Certain TKC Development Rights**

**WHEREAS:** The Kuskokwim Corp. is the Surface land owner of 906,000 acres of mid Kuskokwim River lands that lie generally along the river systems from a point 20 miles below Lower Kalskag to a point approximately 20 miles above Stony River village;

**WHEREAS:** A portion of the Kuskokwim Land entitlement lies adjacent to certain Federal Lands known as the Yukon Delta Wildlife Refuge and is administered by the Dep. Of Interior's Fish and Wildlife Service ; and has been used for subsistence purposes;

**WHEREAS:** The Calista Corp. has been attempting to secure a land Exchange of certain Native lands they own and certain lands owned by 2 of their villages between the Federal Government and themselves;

**WHEREAS:** It appears that such a land exchange might have a better chance of succeeding if there is more surface lands involved in the proposal with the Dep. Of Interior;

**WHEREAS:** The Kuskokwim Corp. land adjacent to the Refuge may be desirable to the Federal agency from the standpoint of increasing the habitat for Wildlife habitat and to eliminate some future potential to Development to wildlife sensitive areas;

**WHEREAS:** The Kuskokwim Corp. owns nearly 30,000 acres of land along the Discovery Creek and Swift Creek Drainage's and along the Whitefish Lake area that has been used and continues to be used for subsistence purposes;


**WHEREAS:** The Kuskokwim Corp. has a chance to receive certain rights to Surplus Federal Property and or Cash equal to as much as sum in the low seven figures by giving up certain development rights;

**NOW THEREFORE BE IT RESOLVED;** That the Kuskokwim Corp. in regular session at its board meeting on May 31, 1996 in Aniak Alaska authorize the CEO to work with Calista to negotiate a land trade of certain development rights to its surface estate of lands described above in return for the Right to acquire Federal Surplus Property and /or Cash.

Be it Further Resolved ; That The Kuskokwim Corp. retains certain subsistence rights to the land involved herein so that the shareholders are able to continue their lifestyles in the fashion consistent with their age old traditions require.

Resolved : That The Kuskokwim Corp. give authority to its President to negotiate the agreement so that it complies with this resolution and grants said President to sign such agreement on its behalf so long as the agreement is consistent with corporate land policies.

Chairman :

A handwritten signature in dark ink, appearing to be a stylized 'J' or 'D', followed by a horizontal line.

Secretary :

A handwritten signature in dark ink, appearing to be 'D. M.', followed by a horizontal line.

# APPENDIX C



